MONTANA ADMINISTRATIVE REGISTER

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ISSUE NO. 8

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 438-6122.

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BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 8.94.3728 pertaining to the administration of the Federal Community Development Block Grant (CDBG) Program – Planning Grants	)))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 19, 2022, at 10:00 a.m., the Department of Commerce will hold a public hearing via Zoom to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

a. Video:

https://mtgov.zoom.us/j/88277901436?pwd=YkNZWDR1dUVOVW9IMWFPOThXUExWZz09

Meeting ID: 882 7790 1436 Password: 813172

b. Phone: Dial in by Telephone: 406-444-9999

Meeting ID:882 7790 1436 Password: 813172

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m., May 16, 2022, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail docadministrativerules@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

8.94.3728 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PLANNING GRANTS (1) The Department of Commerce adopts and incorporates by reference the Community Development Block Grant Program Community Planning Grant Application Guidelines, Grant Administration, and Application (April 2022) as rules for the administration of the Community Development Block Grant (CDBG) Program.

(2) remains the same.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the web site at ~~http://comdev.mt.gov/Programs/CDBG/PlanningActivities/Applying~~ https://comdev.mt.gov/Programs-and-Boards/Community-Development-Block-Grant-Program/Planning-Activities.

AUTH: 90-1-103, MCA
IMP: 90-1-103, MCA

REASON: It is reasonably necessary to amend this rule because the department is proposing to change the eligibility to allow local governments with an open planning grant to apply for a second grant in special circumstances, with approval from the department. The department has revised the electronic submission guidance to reflect changes with the file transfer system and our intent to put all electronic submission guidance on the website and updated changes to reflect the re-branding of CDD to Community MT.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail docadministrativerules@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

5. The Office of Legal Affairs, Department of Commerce, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact listed in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Amy Barnes
Amy Barnes
Rule Reviewer

/s/ Adam Schafer
Adam Schafer
Deputy Director
Department of Commerce

Certified to the Secretary of State on April 19, 2022.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 18.8.431, 18.8.1502, 18.8.1503, and 18.8.1505 pertaining to Motor Carrier Services Maximum Allowable Weight and Safety Requirements	))))))	NOTICE OF PROPOSED AMENDMENT NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. On May 31, 2022, the Department of Transportation proposes to amend the above-stated rules.

2. The Department of Transportation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Transportation no later than 5:00 p.m. on May 20, 2022, to advise us of the nature of the accommodation that you need. Please contact Jeff Steeger, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-4207; fax (406) 444-9263; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail jsteeger@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter stricken:

18.8.431 MAXIMUM ALLOWABLE WEIGHT (1) remains the same.

(2) Maximum allowable weights allowed for vehicle combinations hauling divisible loads on highways cannot exceed a gross vehicle weight and single or tandem weights as described in 23 CFR 658, ~~appendix~~ Appendix C, April 1, 2015 edition. ~~Copies of the regulations may be obtained at www.gpo.gov.~~

(3) The maximum allowable gross weight for vehicle combinations hauling divisible loads on the federal interstate system and operating under the provisions of 23 CFR 658, ~~appendix~~ Appendix C, April 1, 2015 edition, or operating under 61-10-107(1)(b), MCA, on non-interstate highways is: ~~137,800 pounds. Copies of the regulations may be obtained at www.gpo.gov.~~

(a) maximum single-axle limit: 20,000 pounds

(b) maximum tandem-axle limit: 37,500 pounds

(c) maximum tridem-axle limit:

(i) axles spaced from 94" to less than 118": 46,3000 pounds

(ii) axles spaced from 118" to less than 141": 50,7000 pounds

(iii) axles spaced from 141" to 146": 52,900 pounds

(d) maximum gross weight:

(i) A-Train: 118,000 pounds

(ii) B-Train (eight axle): 137,800 pounds

(iii) B-Train (seven axle): 124,600 pounds

(4) For vehicles being operated under the Montana/ Alberta MOU, operations must have paid gross vehicle weight fees for the total weight being carried.

~~(4) A department weight analysis of the highway infrastructure will determine the maximum gross weight and axle weights allowed on applicable non-interstate highways. Based on this analysis, the maximum gross weight and axle weights may be less than those allowed in 23 CFR 658, appendix C, April 1, 2015 edition. Copies of the regulations may be obtained at www.gpo.gov.~~

~~(5) If periodic, subsequent analyses of any portion of the applicable non-interstate highways indicate unanticipated deterioration of the infrastructure, lower axle weights and gross weight may be required at the department's discretion.~~

~~(6) Lower weights for non-interstate highways may be required during periods of seasonal deterioration as authorized in 61-10-108, MCA.~~

~~(7)~~ (5) Permits may be issued for the weights in 23 CFR 658, ~~appendix~~ Appendix C, April 1, 2015 edition, for the same permit types and under the same fee schedule provided in 61-10-125, MCA and ARM Title 18, chapter 8, subchapter 6. ~~Copies of the CFR regulations may be obtained at www.gpo.gov.~~

(8) remains the same but is renumbered (6).

(7) Copies of the CFR regulations may be obtained at www.gpo.gov.

AUTH: 61-10-155, MCA
IMP: 61-10-107, 61-10-108, 61-10-121, 61-10-125, MCA

REASON: The proposed amendment to ARM 18.8.431 is necessary to fully implement 61-10-107(1)(b), MCA, and to match the language from 23 CFR 658 Appendix C - Maximum Allowable Weight Limits on Non-interstate Highways -- under the existing Montana/Alberta MOU. Currently ARM 18.8.431 states only that vehicle combinations with a maximum gross weight of 137,800 pounds may travel on the Eureka and Plentywood corridors. MDT proposes amending ARM 18.8.431 to clarify that all of the other combinations listed under the MOU and shown in the rule amendment language are also allowed.

18.8.1502 FEDERAL MOTOR CARRIER SAFETY RULES AND STATE MODIFICATIONS (1) Any commercial motor vehicle or motor carrier subject to regulation by the department under 61-10-154, MCA, shall comply with and the department adopts by reference the following portions of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, subject to the provisions of (2). The regulations adopted are 49 CFR part 373, 49 CFR part 375, 49 CFR parts 377 through 379, 49 CFR part 382, 49 CFR part 383, 49 CFR part 385, 49 CFR part 386 subpart F – Injunctions and Imminent Hazards, 49 CFR part 387, 49 CFR parts 390 through 399, and Appendix G to subchapter B of chapter III, Title 49 of the Code of Federal Regulations, as updated through ~~April 8, 2021~~ April 1, 2022. Copies of the regulations may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at www.gpo.gov.

(2) remains the same.

AUTH: 61-10-155, MCA
IMP: 61-10-141, 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published federal motor carrier safety regulations, thereby assuring MDT's administrative rule associated with commercial vehicle safety substantially complies with the federal motor carrier safety regulations as listed in 61-10-154, MCA.

18.8.1503 TRANSPORTATION OF HAZARDOUS MATERIALS (1) A commercial motor vehicle, motor carrier, or hazardous materials shipper shall comply with and the department adopts by reference the following federal regulations of the U.S. Department of Transportation concerning the transportation of hazardous materials: 49 CFR part 107, 49 CFR part 171, 49 CFR part 172, 49 CFR part 173, 49 CFR part 177, 49 CFR part 178, and 49 CFR part 180. The regulations adopted may be found in the Code of Federal Regulations, Title 49, chapter I, subchapters B and C, as updated through ~~April 8, 2021~~ April 1, 2022. Copies may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at www.gpo.gov.

AUTH: 61-10-155, MCA
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published version of the federal hazardous materials regulations.

18.8.1505 SAFETY INSPECTION PROGRAM: PURPOSE AND OUT-OF-SERVICE CRITERIA (1) remains the same.

(2) In addition to the federal regulations adopted in ARM 18.8.1502, the safety inspection program will follow Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria ~~(April 1, 2021)~~ (April 1, 2022), incorporated by reference. A copy of the North American Standard Out-of-Service Criteria may be obtained from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319 or at www.cvsa.org.

(3) remains the same.

AUTH: 61-10-155, MCA
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current Commercial Vehicle Safety Alliance (CVSA) North American Uniform "Out-Of-Service" criteria. The 2022 changes to the CVSA may be viewed at http://cvsa.org/wp-content/uploads/OOSC-Changes-Letter.pdf.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Jeff Steeger, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena Montana,

59620-1001; telephone (406) 444-4207; fax (406) 444-9263; or e-mail jsteeger@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Jeff Steeger at the above address no later than 5:00 p.m., May 27, 2022.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 904 persons based on the current active 9040 U.S. DOT accounts in Montana.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Department of Transportation website at www.mdt.mt.gov.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

11. With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications.

/s/ Valerie A. Balukas
Valerie A. Balukas
Rule Reviewer

/s/ Malcolm "Mack" Long
Malcolm "Mack" Long
Director
Department of Transportation

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 24.2.101, the adoption of NEW RULES I through III, and the repeal of ARM 24.2.105, 24.11.905, 24.11.906, and 24.29.201 pertaining to public participation and model rules	))))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT, ADOPTION, AND REPEAL

TO: All Concerned Persons

1. On May 25, 2022, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing via remote conferencing to consider the proposed amendment, adoption, and repeal of the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, https://mt-gov.zoom.us/j/82449420584, Meeting ID: 824 4942 0584, Passcode: 3610701928; or

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656, Meeting ID: 824 4942 0584, Passcode: 3610701928.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on May 18, 2022, to advise us of the nature of the accommodation that you need. Please contact Brandon Kirchgasler, P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-3359; or Montana Relay Service at 711; or e-mail bkirchgasler@mt.gov.

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

24.2.101 INCORPORATION OF MODEL RULES (1) The Department of Labor and Industry has adopted the model rules proposed by the attorney general by reference to such rules as stated in ARM ~~1.3.205~~ 1.3.211 through ARM 1.3.233 with the following exceptions:

(a) through (3) remain the same.

AUTH: 2-4-110, 2-4-201, MCA
IMP: 2-4-201, MCA

REASON: Reasonable necessity exists to amend this rule to correct the adoption by reference for rules which are no longer in effect.

4. GENERAL STATEMENT OF REASONABLE NECESSITY: The department has not previously promulgated public participation rules pursuant to 2-

3-103, MCA. As part of ongoing efforts to ensure compliance and conformity with all applicable laws, the department proposes to adopt three new rules to guide public participation for the department and its administratively attached agencies. The department intends to propose to each of its attached agencies the adoption of these model rules to ensure consistency and uniformity of public participation department wide.

5. The proposed new rules are as follows:

NEW RULE I POLICIES AND OBJECTIVES IN PROVIDING PUBLIC PARTICIPATION IN THE OPERATION OF THE DEPARTMENT OF LABOR AND INDUSTRY (1) Participation of the public is to be provided for, encouraged, and assisted with to the fullest extent practicable, consistent with other requirements of state law, and the rights and requirements of personal privacy. The department invites and encourages public participation to better identify and meet customer needs. The major objectives of public participation include:

(a) greater responsiveness of governmental actions to public concerns and priorities; and

(b) improved public understanding of official programs and actions.

(2) The public is also advised that in accordance with 2-3-103, MCA, an opportunity for public comment on any public matter not on the agenda of the department's public meetings and that is within the department's jurisdiction is given. No action will be taken on these matters until proper notice has been given under the provisions of Montana law.

(3) Department employees shall make decisions based on what is best for the customer, both internal and external, within the parameters of applicable laws and administrative rules.

AUTH: 2-3-103, MCA
IMP: 2-3-103, MCA

NEW RULE II GUIDELINES FOR DETERMINATION OF SIGNIFICANT INTEREST TO THE PUBLIC (1) The adoption, amendment, or repeal of any rule, regulation, standard, or statement of general applicability that implements, interprets, or prescribes law, or policy, procedure, or practice requirements of the department are considered matters of significant interest to the public and require notice and opportunity for public participation in the decision-making process.

(2) In all other cases, whether or not the decision is one of significant interest to the public will be determined by the person within the department who is proposing the decision, according to the following considerations:

(a) whether the decision regards a controversial matter;

(b) the number of persons who will be affected by the decision;

(c) the fiscal impact the decision will have; or

(d) whether a high level of public interest has been witnessed by the department.

AUTH: 2-3-103, MCA

IMP: 2-3-103, 2-4-101, 2-4-102, MCA

NEW RULE III NOTICE AND MEANS FOR PUBLIC PARTICIPATION (1) If the department determines that significant interest to the public is involved, one or more of the following steps, as applicable, shall be taken to assist public participation in decision-making:

(a) a proceeding or hearing shall be held in compliance with the provisions of the Montana Administrative Procedure Act, Title 2, chapter, 4, MCA;

(b) a public hearing, after appropriate notice is given, shall be held pursuant to any other provision, state law, local ordinance, or regulation;

(c) a news release, legal advertisement, or other method of publication shall be given to news media within the area to be affected, including:

(i) department name;

(ii) name of department representative most familiar with the proposed action; and

(iii) address, e-mail address, telephone and fax numbers where interested persons may submit their data, views, or arguments, orally or in writing, concerning the proposed action.

AUTH: 2-3-103, MCA
IMP: 2-3-103, 2-3-104, MCA

6. The rules proposed to be repealed are as follows:

24.2.105 RULES OF DISCOVERY IN CONTESTED CASES

AUTH: 2-4-602, 39-3-202, MCA
IMP: 2-4-602, 39-3-202, MCA

REASON: The department determined it is reasonably necessary to repeal this unnecessary rule as it is identical to ARM 1.3.217, which the department has adopted by reference.

24.11.905 PROVIDING SPEAKERS

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: The department determined it is reasonably necessary to repeal this unnecessary rule. While the department remains ready and willing to provide speakers as it is able to do for those wishing to learn more about unemployment insurance laws, no administrative rule is necessary for this purpose.

24.11.906 MEETINGS OF THE UNEMPLOYMENT INSURANCE APPEALS BOARD, REFEREE'S HEARING, ADVISORY COUNCIL MEETINGS, AND OTHER MEETINGS

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: The department is repealing this rule because it duplicates the department-wide rulemaking proposed in this rulemaking. To the extent it purports to adopt rules on behalf of the Unemployment Insurance Appeals Board, the rule is also invalid, because that board is an independent agency with its own rulemaking authority.

24.29.201 INTRODUCTION

AUTH: 2-4-201, 39-71-203, 39-72-203, MCA
IMP: Title 2, chapters 3 and 4, MCA

REASON: It is reasonably necessary to repeal this rule because of its archaic form. To the extent it is substantive, it duplicates the department-wide rule adoption of model rules in ARM 24.2.101.

7. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Brandon Kirchgasler, P.O. Box 1728, Helena, Montana 59624-1728 or e-mail bkirchgasler@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the contact person in paragraph 2 above or may be made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. Pursuant to 2-4-111, MCA, the department has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

11. Department staff has been designated to preside over and conduct this hearing.

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 24.38.101, 24.38.105, and 24.38.111, and the adoption of NEW RULES I and II pertaining to professional employer organizations	)))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT AND ADOPTION

TO: All Concerned Persons

1. On May 24, 2022, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing via remote conferencing to consider the proposed amendment and adoption of the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, https://mt-gov.zoom.us/s/89511798088, Meeting ID: 895 1179 8088, Passcode: 945618; or

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656, Meeting ID: 895 1179 8088, Passcode: 945618.

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on May 17, 2022, to advise us of the nature of the accommodation that you need. Please contact Brandon Kirchgasler, P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-3359, facsimile (406) 444-4140, or Montana Relay Service at 711; or e-mail BKirchgasler@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

24.38.101 NEW APPLICATIONS - DENIALS (1) ~~To be eligible to receive a license, a professional employer organization or group (PEO) must submit all application materials required by 39-8-202 and 39-8-207, MCA.~~ An applicant for initial licensure must submit all information and documentation required by statute and rule.

(2) An application that does not contain all required information and documentation is incomplete. Upon receipt of an incomplete application from a newly applying PEO, the department will ~~inform~~ notify the applicant in writing that the PEO has 90 days from the date that the original application was received to submit a completed application.

(a) and (b) remain the same.

AUTH: 39-8-201, MCA
IMP: 39-8-202, 39-8-203, 39-8-207, MCA

REASON: Reasonable necessity exists to amend this rule to avoid duplication of statute in the administrative rules to simplify the rule. The rule also now defines incomplete applications.

24.38.105 RENEWAL APPLICATIONS - DENIALS ~~(1) The department will send a renewal application approximately 90 days prior to the renewal date. A completed renewal application must be received by the department 30 days prior to the expiration date of the license.~~

~~(a) If a completed renewal application is not received 30 days prior to the expiration date, the existing license will automatically expire and a subsequently received renewal application will not be renewed.~~

~~(b) Upon the expiration and nonrenewal of a license under (a), the applicant is subject to the provisions of 39-8-206(2)(b), MCA.~~

~~(c) Any application materials received under (a) will be treated as a new application and will be subject to the provisions of 39-8-203(7), MCA.~~

~~(d) Upon the nonrenewal of a renewal application, the department shall send a letter to all client companies of the PEO notifying the client companies the PEO renewal application has been denied.~~

(1) Except as set forth in (2), a complete renewal application must be submitted to the department at least 30 days prior to the license expiration.

(2) A renewal application submitted less than 30 days prior to license expiration must be accompanied by a request for extension. An incomplete renewal application submitted less than 30 days prior to license expiration is subject to summary denial.

(3) Request for extension will be considered on a case-by-case basis and will be granted in the department's sole discretion. At minimum, the request must contain:

(a) the specific length of extension sought; and

(b) the reason extension is necessary, including circumstances outside the requestor's control.

AUTH: 39-8-201, MCA
IMP: 39-8-202, 39-8-203, 39-8-204, 39-8-206, MCA

REASON: Reasonable necessity exists to amend the rule to clarify the process for renewal of PEO licenses and to set forth a process by which an applicant may request an extension of time in which to submit their renewal.

24.38.111 SUSPENSION, REVOCATION, NONRENEWAL - APPEAL - IMMEDIATE CESSATION OF OPERATIONS ~~(1) Upon the suspension or revocation of a regular or provisional license, or upon the denial of a renewal application, the department shall notify all client companies by mail that the PEO's license has been suspended, revoked, or not renewed.~~

~~(2)~~ (1) The PEO may appeal the suspension, revocation, or nonrenewal by submitting a written request within 30 days of receiving the notice of suspension, revocation, or denial. The appeal must be submitted to ~~the department's hearings bureau~~ dlierdpeo@mt.gov.

(3) remains the same but is renumbered (2).

AUTH: 39-8-201, MCA
IMP: 39-8-203, 39-8-204, 39-8-206, MCA

REASON: Reasonable necessity exists to amend this rule by striking (1) because it was duplicative of statutory requirements. The rule also provides for electronic submission of appeals.

4. The proposed new rules are as follows:

NEW RULE I PROVISIONAL LICENSE (1) A provisional license may be granted to applicants for initial licensure as set forth in this rule. A provisional license may be in effect solely during the period from granting until a decision to grant or deny a license is made.

(2) A provisional license may be granted only if:

(a) the department determines it is in the best interest of potentially affected clients and employees; and

(b) the initial application is pending and contains proof that, at minimum:

(i) the requirements of 39-8-207(1), (2), (4), and (6), MCA are met; or

(ii) the applicant is licensed as a PEO in another state.

AUTH: 39-8-201, 39-8-202, MCA
IMP: 39-8-202, MCA

REASON: Reasonable necessity exists to adopt this rule to create a procedure for obtaining a provisional license. This rule permits applicants who meet the requirements of the rule to be in compliance with law pending application review.

NEW RULE II PROFESSIONAL EMPLOYER ORGANIZATIONS (1) PEOs must meet all recordkeeping and reporting obligations applicable to all other employers pursuant to the Unemployment Insurance Law.

(2) Concurrent with the report required by ARM 24.11.2711, PEOs must submit quarterly to unemployment insurance a report detailing:

(a) for each client:

(i) client name; and

(ii) client federal employer identification number;

(b) for each leased employee:

(i) name;

(ii) social security number; and

(iii) for each client for which the leased employee worked, the wages paid.

(3) Failure to submit filings pursuant to this rule may subject a PEO license to suspension, revocation, or refusal to renew.

AUTH: 39-8-201, 39-51-301, MCA
IMP: 39-8-207, 39-8-302, 39-51-1219, MCA

REASON: Reasonable necessity exists to adopt this new rule to clarify statutory requirements for the submission of reports to the Unemployment Insurance Division. While the statutes requiring such reporting remain unchanged, the obligations have been previously ill-defined. This rule specifies for PEOs their reporting obligations to ensure compliance with the law as well as to ensure that the Unemployment Insurance Division receives the information necessary for proper rate and reporting calculations.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Amber Weekes, Employment Relations Division, P.O. Box 1728, Helena, Montana 59624-1728; facsimile (406) 444-4140; or e-mail amber.weekes2@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the contact person in paragraph 2 above or may be made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Pursuant to 2-4-111, MCA, the department has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

9. Department staff has been designated to preside over and conduct this hearing.

/s/ QUINLAN L. O'CONNOR	/s/ LAURIE ESAU
Quinlan L. O'Connor	Laurie Esau, Commissioner
Alternate Rule Reviewer	DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 19, 2022.

BEFORE THE BOARD OF DENTISTRY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.138.402 and 24.138.504 pertaining to fee schedules and clinical exam criteria	))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 20, 2022, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, https://mt-gov.zoom.us/j/82073881184
Meeting ID: 820 7388 1184, Passcode: 734102
-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 820 7388 1184, Passcode: 734102

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Dentistry no later than 5:00 p.m., on May 13, 2022, to advise us of the nature of the accommodation that you need. Please contact Kevin Bragg, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; Montana Relay 711; facsimile (406) 841-2305; or dlibsdden@mt.gov (board's e-mail).

3. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.138.402 FEE SCHEDULE (1) remains the same.

(2) Credentialing fee for dentists	~~500~~ 375
(3) through (5) remain the same.	
(6) Active renewal fee for dentists	~~306~~ 230
(7) Active renewal fee for dental hygienists	~~140~~ 100
(8) Active renewal fee for denturists	~~200~~ 150
(9) Inactive renewal fee for dentists	~~153~~ 115
(10) Inactive renewal fee for dental hygienists	~~70~~ 50
(11) Inactive renewal fee for denturists	~~100~~ 75
(12) through (16) remain the same.	

AUTH: 37-1-134, 37-4-205, 37-4-340, 37-4-341, 37-4-405, 37-29-201, MCA
IMP: 37-1-134, 37-1-141, 37-4-301, 37-4-340, 37-4-341, 37-4-402, 37-4-405, 37-29-303, MCA

REASON: As part of the administrative services the department provides to boards, fiscal staff informed the board that its cash balance is nearing two times its appropriation, as prohibited by 17-2-302, MCA. The board requested the department conduct a fee structure analysis and provide fee reduction proposals to equitably apportion the fees needed to pay costs of board services. The board determined it is reasonably necessary to amend this rule and reduce fees to gradually reduce its cash balance and meet statutory requirements while ensuring adequate revenue to support board activities through the next biennium.

For the previous renewal cycle beginning January 1, 2022, all renewal fees were abated by 50%. Moving forward, the board is reducing renewal fees between 25% to 30%, starting in 2023. Additionally, the board is reducing the dentist credentialing application fee by 25% to align the fee more closely with work involved to process current credentialing applications. The board estimates the decrease in renewal fees will affect approximately 1,940 licensees:

DENTISTS: 883 Active, 20 Inactive
DENTAL HYGIENISTS: 994 Active, 20 Inactive
DENTURISTS: 23 Active

These changes will reduce annual revenue by approximately $58,157 by June 30, 2023. Beginning in fiscal year 2023, the reduced renewal fees will decrease the board's cash balance by $262,201 over three years, leaving the board with $411,303 in ending cash for fiscal year 2026. When weighed against expected expenses, this reduction will place the board in a more stable position to consistently maintain one year's worth of cash on hand. The department will continue to monitor the board's cash reserves in a fiscally prudent manner while maintaining the current level of operations.

24.138.504 APPROVED CLINICAL EXAM CRITERIA FOR DENTISTS AND DENTAL HYGIENISTS (1) Starting January 1, 2020, for the purposes of licensure, a dentist applicant shall verify successful passage of a board-approved clinical practical exam to include the following components:

(a) patient-based or, beginning March 12, 2020, a simulated patient-based operative exam, to include one direct posterior class II composite and any one of the following:

(i) through (iii) remain the same.

(b) patient-based or, beginning March 12, 2020, a simulated patient-based periodontal exam;

(c) through (e) remain the same.

~~(2) Dental students who graduate during the state of emergency declared in the Governor of Montana's Executive Order 2-2020 or in the years 2021 and 2022 shall be allowed to substitute a board-approved manikin-based operative exam in lieu of the patient-based examinations required in (1)(a) and (1)(b). All remaining~~

~~non-patient-based requirements shall remain in effect. The exception outlined in this section shall expire December 31, 2022.~~

~~(3)~~ (2) Starting January 1, 2020, for the purposes of licensure, a dental hygienist applicant shall verify successful passage of a board-approved patient-based or, beginning March 12, 2020, a simulated patient-based clinical practical exam to include the following:

(a) remains the same.

~~(b) Dental hygiene students who graduate during the state of emergency declared in the Governor of Montana's Executive Order 2-2020, or in the years 2021 and 2022, shall be allowed to substitute a board-approved manikin-based examination in lieu of a patient-based clinical examination. The exception outlined in this section shall expire on December 31, 2022.~~

(4) through (6) remain the same but are renumbered (3) through (5).

AUTH: 37-1-131, 37-4-205, 37-4-402, MCA
IMP: 37-1-131, 37-4-301, 37-4-402, MCA

REASON: At the beginning of the COVID-19 pandemic, the board created an exception to its rules which allowed newly graduated candidates to utilize manikin, or simulated patient-based clinical testing. Currently, only 3 of the 50 states explicitly require a patient-based examination, while 18 states, including Montana, have allowed for manikin examinations during the COVID-19 pandemic. Those 18 states are now evaluating their requirements to determine whether a return to patient-based testing is appropriate. Additionally, the continued progression within the dental testing industry is away from patient-based testing and more testing providers are administering fewer patient-based examinations.

While recognizing the challenges of patient-based testing, the board believes that testing of psychomotor skills is necessary for public safety. Regardless, manikin, or simulated patient-based testing, has, over the last two years proven effective in qualifying practitioners. As a result, the board determined it is reasonably necessary to amend this rule to allow for the continued use of manikin or simulated patient-based testing since the effective date of the Governor's Executive Order 2-2020.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdden@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

5. An electronic copy of this notice of public hearing is available at https://boards.bsd.dli.mt.gov/dentistry/ (department and board's website). Although the department strives to keep its websites accessible at all times, concerned persons should be aware that websites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a website do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons wishing to have their name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies the intent to receive notices of all board administrative rulemaking proceedings or a particular subject matter. The request must indicate whether e-mail or standard mail is preferred and may be sent or delivered to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to (406) 841-2305; e-mailed to dlibsdden@mt.gov; or by completing a request form at any rules hearing held by the board.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Pursuant to 2-4-111, MCA, the board has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

9. Department staff has been designated to preside over and conduct this hearing.

BOARD OF DENTISTRY
DIANNE KLEMANN, RDH, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 19, 2022.

BEFORE THE BOARD OF PROFESSIONAL
ENGINEERS AND PROFESSIONAL LAND SURVEYORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.183.404 pertaining to fee schedule	)))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 25, 2022, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rule. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting: https://mt-gov.zoom.us/j/87919393825
Meeting ID: 879 1939 3825, Passcode: 162125
-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 879 1939 3825, Passcode: 162125

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Professional Engineers and Professional Land Surveyors no later than 5:00 p.m., on May 18, 2022, to advise us of the nature of the accommodation that you need. Please contact Sam Hunthausen, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 711; facsimile (406) 841-2305; or dlibsdpels@mt.gov.

3. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.183.404 FEE SCHEDULE (1) remains the same.	
(2) Fees are:	
(a) Engineer ~~interns~~ intern (EI) initial application	$25
(b) Land surveyor ~~interns~~ intern (LSI) initial application	25
(c) Professional ~~engineers~~ engineer (PE) initial application	75
~~(i) Initial application~~	~~100~~
~~(ii) Application by comity~~	~~150~~
(d) Professional land ~~surveyors~~ surveyor (PLS) initial application	75
~~(i) Initial application~~	~~100~~
(ii) and (iii) remain the same but are renumbered (i) and (ii).	

~~(iv) Application by comity~~ ~~200~~
(e) Certificate of authorization
(i) Initial application ~~100~~ 75
(ii) remains the same
(f) Biennial renewal ~~fees~~
(i) PE ~~100~~ 75
(ii) PLS ~~100~~ 75
(iii) Engineer-surveyor ~~120~~ 75
(iv) EI, LSI 25
(g) Miscellaneous ~~fees~~
~~(i) Continuing education review for conversion of a license to active status~~ ~~60~~
(ii) and (iii) remain the same but are renumbered (i) and (ii).
(3) remains the same.

AUTH: 37-1-134, 37-67-202, 37-67-322, 37-67-327, MCA
IMP: 37-1-134, 37-1-141, 37-1-319, 37-67-312, 37-67-313, 37-67-322, 37-67-327, MCA

REASON: The board determined it is reasonably necessary to amend this rule to equalize application fees for exam and comity applicants as processing costs for both types of applications remain similar. This will simplify the fee schedule while helping to ensure that professionals seeking to enter Montana are not unnecessarily discouraged from doing so.

The board is reducing fees to comply with 37-1-134, MCA, and ensure the fees provide the money usually needed for board operations. The board is also required to comply with 17-2-302 and 17-2-303, MCA, by not allowing its cash balance to exceed twice the annual appropriation amount. Following the abatement of 100% of license renewal fees through a full renewal cycle, it is necessary to reduce fees as the board's cash balance is exceeding two times its appropriation.

The board is not reducing any $25 fees as collecting fees in amounts less than $25 does not justify the department costs of processing of them. The Montana state-specific land surveyor examination fee remains unchanged since the board contracts with administrators for this exam, and the registration fees are set by contract. The fee changes will allow the board to gradually reduce its cash balance to meet the statutory requirements while ensuring adequate revenue to support board activities through the next biennium. The department will continue to monitor funding levels to ensure needs are met. The board estimates the fee changes will affect approximately 8,149 licensees and 968 license applicants annually, and reduce annual revenue by approximately $159,407 in fiscal year 2023 and $162,596 in fiscal year 2024.

For over ten years, the fee for board review of continuing education when converting to active status has not been assessed because no licensees have requested conversion. The board is eliminating the fee and will absorb the minimal associated costs of any future reviews.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to sam.hunthausen@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

5. An electronic copy of this notice of public hearing is available at https://boards.bsd.dli.mt.gov/professional-engineers-land-surveyors/. Although the department strives to keep its websites accessible at all times, concerned persons should be aware that websites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a website do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons wishing to have their name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies the intent to receive notices of all board administrative rulemaking proceedings or a particular subject matter. The request must indicate whether e-mail or standard mail is preferred and may be sent or delivered to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to (406) 841-2305; e-mailed to sam.hunthausen@mt.gov; or by completing a request form at any rules hearing held by the board.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Regarding the requirements of 2-4-111, MCA, the board has determined the proposed rule changes will significantly and directly impact small businesses and prepared a small business impact analysis. The board identified two classes of small businesses impacted by the fee changes as engineers and land surveyors operating as sole proprietorships, especially when obtaining a Montana license solely to perform work for one project, and engineering firms of all types that reimburse license fees as an employee benefit. Approximately 8,149 licensees and 968 applicants will be affected by the changes over the next year. Additionally, 1,103 businesses with certificates of authorization will be impacted, and the board believes most of these are considered small businesses. The proposed changes reduce fees for certificates of authorization and for initial licensure and biennial renewal of professional land surveyors and professional engineers. The board initially discussed whether equalizing fees for "by exam" and "by comity" applicants was the most equitable way to reduce fees, as opposed to reducing fees for both pathways by an equal percentage. The board conducted a budget analysis, and in the interest of red tape reduction and updating fees to reflect the similar costs to process applications, the board concluded that setting one fee for both pathways was equitable. Lastly, the board noted that the impact to small businesses will be

positive, as fees are being reduced. The board has no alternative methods that may be implemented at this time.

9. Department staff has been designated to preside over and conduct this hearing.

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
RONALD DRAKE, P.E., PRESIDING
OFFICER

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of ARM 37.79.326 pertaining to HMK Dental procedure codes	)))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May19, 2022, at 9:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: https://mt-gov.zoom.us/j/89719778682?pwd=UExvWGMwdDhMYVdQNEJtbHU5NHlNZz09 meeting ID: 897 1977 8682 and password 252418 or

(b) Dial by telephone +1 646 558 8656 meeting ID: 897 1977 8682. Find your local number: https://mt-gov.zoom.us/u/kgesl8x0.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 5, 2022, to advise us of the nature of the accommodation that you need. Please contact Valerie St. Clair, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-6863; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.79.326 DENTAL BENEFITS (1) remains the same.

(2) Providers must bill for services using the procedure codes and modifiers set forth, and according to the definitions contained in the American Dental Association Manual of Current Dental Terminology (CDT ~~2020~~ 2022).

(3) Effective ~~July 1, 2020~~ July 1, 2022, only the dental procedures listed at http://dphhs.mt.gov/hmk~~.aspx~~ are benefits of the HMK coverage group Dental Program.

(4) through (6) remain the same.

AUTH: 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1105, MCA
IMP: 53-4-1003, 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1104, 53-4-1105, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.79.326(2) and (3) pertaining to updating the HMK Dental fee schedule, effective dates, and the Current Dental Terminology (CDT) codebook reference date.

The proposed amendments are explained below, with reference to the specific sections of ARM 37.79.326.

ARM 37.79.326 Dental Benefits
The department proposes to update the HMK Dental fee schedule to align with the state employee benchmark plan changes and reflect new procedure code updates, additions or deletions, and changes to existing code descriptions.

ARM 37.79.326(2)
The department proposes to update the Current Dental Terminology (CDT) codebook reference from 2020 to 2022.

ARM 37.79.326(3)
The department proposes to update the effective date of the covered dental procedures list from July 1, 2020, to July 1, 2022.

The link to the list of the dental procedures was invalid; accordingly, the department proposes to update it with a valid link.

Fiscal Impact

There is no expected fiscal impact.

The department intends these amendments to be effective July 1, 2022.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Valerie St. Clair, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or

delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, does not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of ARM 37.85.104, 37.85.105, 37.85.106, and 37.86.3607 pertaining to updating Medicaid and non-Medicaid provider rates, fee schedules, and effective dates	))))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 19, 2022, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: https://mt-gov.zoom.us/j/83514476310?pwd=ZnlzZTJTRkRCR0lNL0ZlSUxpS0pvQT09 meeting ID: 835 1447 6310 and password 015673 or

(b) Dial by telephone +1 646 558 8656, meeting ID: 835 1447 6310. Find your local number: https://mt-gov.zoom.us/u/kcycXThM52.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 5, 2022, to advise us of the nature of the accommodation that you need. Please contact Valerie St. Clair, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-6863; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.85.104 EFFECTIVE DATES OF PROVIDER FEE SCHEDULES FOR MONTANA NON-MEDICAID SERVICES (1) The department adopts and incorporates by reference the fee schedule for the following programs within the ~~Addictive and Mental Disorders Division and Developmental Services~~ Behavioral Health and Developmental Disabilities Division on the dates stated:

(a) Mental health services plan provider reimbursement, as provided in ARM 37.89.125, is effective ~~July 1, 2021~~ July 1, 2022.

(b) 72-hour presumptive eligibility for adult-crisis stabilization services reimbursement for services, as provided in ARM 37.89.523, is effective ~~July 1, 2021~~ July 1, 2022.

(c) Youth respite care services, as provided in ARM 37.87.2203, is effective ~~July 1, 2021~~ July 1, 2022.

(d) Substance use disorder services provider reimbursement, as provided in ARM 37.27.905, is effective ~~July 1, 2021~~ July 1, 2022.

(2) remains the same.

AUTH: 53-2-201, 53-6-101, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-111, MCA

37.85.105 EFFECTIVE DATES, CONVERSION FACTORS, POLICY ADJUSTERS, AND COST-TO-CHARGE RATIOS OF MONTANA MEDICAID PROVIDER FEE SCHEDULES (1) remains the same.

(2) The department adopts and incorporates by reference, the resource-based relative value scale (RBRVS) reimbursement methodology for specific providers as described in ARM 37.85.212 on the date stated.

(a) Resource-based relative value scale (RBRVS) means the version of the Medicare resource-based relative value scale contained in the Medicare Physician Fee Schedule adopted by the Centers for Medicare & Medicaid Services (CMS) of the U.S. Department of Health and Human Services and published at Federal Register Volume ~~85~~ 86, Issue ~~248~~ 221, page ~~84472~~ 64996 (~~December 28, 2020~~ November 19, 2021) effective ~~January 1, 2021~~January 1, 2022, which is adopted and incorporated by reference. Procedure codes created after January 1, 2022, will be reimbursed using the relative value units from the Medicare Physician Fee Schedule in place at the time the procedure code is created.

(b) Fee schedules are effective ~~January 1, 2022~~ July 1, 2022. The conversion factor for physician services is ~~$41.88~~ $42.29. The conversion factor for allied services is ~~$24.75~~ $25.34. The conversion factor for mental health services is ~~$21.44~~ $21.69. The conversion factor for anesthesia services is $30.57.

(c) Policy adjustors are effective ~~July 1, 2021~~ July 1, 2022. The maternity policy adjustor is 100%. The family planning policy adjustor is 105%. The psychological testing ~~for youth~~ policy adjustor is 145%. The psychological testing policy adjustor applies only to psychologists.

(d) remains the same.

(e) The payment-to-charge ratio is effective ~~July 1, 2021~~ July 1, 2022, and is ~~44.4%~~ 43.8% of the provider's usual and customary charges.

(f) through (h) remain the same.

(i) Optometric services receive a ~~114.79%~~ 115.33% provider rate of reimbursement adjustment to the reimbursement for allied services, as provided in ARM 37.85.105(2), effective ~~July 1, 2021~~ July 1, 2022.

(j) and (k) remain the same.

(3) The department adopts, and incorporates by reference, the fee schedule for the following programs within the Health Resources Division, on the date stated.

(a) remains the same.

(b) The outpatient hospital services fee schedules including:

(i) the Outpatient Prospective Payment System (OPPS) fee schedule as published by the CMS in Federal Register Volume ~~85~~ 86, Issue ~~249~~ 218, page ~~85866~~ 63458 (~~December 29, 2020~~ November 16, 2021), effective ~~January 1, 2021~~

January 1, 2022, and reviewed annually by CMS, as required in 42 CFR 419.5 (2016) and as updated by the department;

(ii) and (iii) remain the same.

(iv) the bundled composite rate of ~~$258.02~~ $260.60 for services provided in an outpatient maintenance dialysis clinic effective on or after ~~July 1, 2021~~ July 1, 2022.

(c) The hearing aid services fee schedule, as provided in ARM 37.86.805, is effective ~~January 1, 2022~~ July 1, 2022.

(d) The Relative Values for Dentists, as provided in ARM 37.86.1004, reference published in ~~2021~~ 2022 resulting in a dental conversion factor of ~~$35.06~~ $35.48 and fee schedule is effective ~~January 1, 2022~~ July 1, 2022.

(e) The Dental and Denturist Program Provider Manual, as provided in ARM 37.86.1006, is effective ~~October 1, 2019~~ July 1, 2022.

(f) The outpatient drugs reimbursement dispensing fees range as provided in ARM 37.86.1105(3)(b) is effective ~~July 1, 2021~~ July 1, 2022:

(i) for pharmacies with prescription volume between 0 and 39,999, the minimum is ~~$6.06~~ $4.32 and the maximum is ~~$15.57~~ $15.73;

(ii) for pharmacies with prescription volume between 40,000 and 69,999, the minimum is ~~$6.06~~ $4.32 and the maximum is ~~$13.49~~ $13.62; or

(iii) for pharmacies with prescription volume greater than or equal to 70,000, the minimum is ~~$6.06~~ $4.32 and the maximum is ~~$11.41~~ $11.52.

(g) remains the same.

(h) The outpatient drugs reimbursement vaccine administration fee, as provided in ARM 37.86.1105(6), will be $21.32 for the first vaccine and ~~$15.50~~ $15.65 for each additional administered vaccine, effective ~~July 1, 2021~~ July 1, 2022.

(i) remains the same.

(j) The home infusion therapy services fee schedule, as provided in ARM 37.86.1506, is effective ~~July 1, 2021~~ July 1, 2022.

(k) Montana Medicaid adopts and incorporates by reference the Region D Supplier Manual, effective ~~January 1, 2022~~ July 1, 2022, which outlines the Medicare coverage criteria for Medicare covered durable medical equipment, local coverage determinations (LCDs), and national coverage determinations (NCDs), as provided in ARM 37.86.1802, effective ~~January 1, 2022~~ July 1, 2022. The prosthetic devices, durable medical equipment, and medical supplies fee schedule, as provided in ARM 37.86.1807, is effective ~~January 1, 2022~~ July 1, 2022.

(l) The nutrition services fee schedule, as provided in ARM 37.86.2207(2), is effective ~~July 1, 2021~~ July 1, 2022.

(m) remains the same.

(n) The orientation and mobility specialist services fee schedule, as provided in ARM 37.86.2207(2), is effective ~~July 1, 2021~~ July 1, 2022.

(o) The transportation and per diem fee schedule, as provided in ARM 37.86.2405, is effective ~~July 1, 2021~~ July 1, 2022.

(p) The specialized nonemergency medical transportation fee schedule, as provided in ARM 37.86.2505, is effective ~~July 1, 2021~~ July 1, 2022.

(q) The ambulance services fee schedule, as provided in ARM 37.86.2605, is effective ~~January 1, 2022~~ July 1, 2022.

(r) The audiology fee schedule, as provided in ARM 37.86.705, is effective ~~January 1, 2022~~ July 1, 2022.

(s) The therapy fee schedules for occupational therapists, physical therapists, and speech therapists, as provided in ARM 37.86.610, are effective ~~January 1, 2022~~ July 1, 2022.

(t) The optometric services fee schedule, as provided in ARM 37.86.2005, is effective ~~January 1, 2022~~ July 1, 2022.

(u) The chiropractic fee schedule, as provided in ARM 37.85.212(2), is effective ~~July 1, 2021~~ July 1, 2022.

(v) The lab and imaging services fee schedule, as provided in ARM 37.85.212(2) and 37.86.3007, is effective ~~January 1, 2022~~ July 1, 2022.

(w) The Targeted Case Management for Children and Youth with Special Health Care Needs fee schedule, as provided in ARM 37.86.3910, is effective ~~July 1, 2021~~ July 1, 2022.

(x) The Targeted Case Management for High-Risk Pregnant Women fee schedule, as provided in ARM 37.86.3415, is effective ~~July 1, 2021~~ July 1, 2022.

(y) The mobile imaging services fee schedule, as provided in ARM 37.85.212, is effective ~~January 1, 2022~~ July 1, 2022.

(z) The licensed direct-entry midwife fee schedule, as provided in ARM 37.85.212, is effective ~~January 1, 2022~~ July 1, 2022.

(aa) The private duty nursing services fee schedule, as provided in ARM 37.86.2207(2), is effective ~~July 1, 2021~~ July 1, 2022.

(4) The department adopts and incorporates by reference, the fee schedule for the following programs within the Senior and Long Term Care Division on the date stated:

(a) The Big Sky Waiver home and community-based services for elderly and physically disabled persons fee schedule, as provided in ARM 37.40.1421, is effective ~~July 1, 2021~~ July 1, 2022.

(b) The home health services fee schedule, as provided in ARM 37.40.705, is effective ~~July 1, 2021~~ July 1, 2022.

(c) The personal assistance services fee schedule, as provided in ARM 37.40.1135, is effective ~~July 1, 2021~~ July 1, 2022.

(d) The self-directed personal assistance services fee schedule, as provided in ARM 37.40.1135, is effective ~~July 1, 2021~~ July 1, 2022.

(e) The community first choice services fee schedule, as provided in ARM 37.40.1026, is effective ~~July 1, 2021~~ July 1, 2022.

(5) The department adopts and incorporates by reference, the fee schedule for the following programs within the ~~Addictive and Mental Disorders~~ Behavioral Health and Developmental Disabilities Division on the date stated:

(a) The mental health center services for adults fee schedule, as provided in ARM 37.88.907, is effective ~~July 1, 2021~~ July 1, 2022.

(b) The home and community-based services for adults with severe disabling mental illness fee schedule, as provided in ARM 37.90.408, is effective ~~July 1, 2021~~ July 1, 2022.

(c) The substance use disorder services fee schedule, as provided in ARM 37.27.905, is effective ~~July 1, 2021~~ July 1, 2022.

(6) For the ~~Developmental Services Division~~ Behavioral Health and Developmental Disabilities Division, the department adopts and incorporates by reference the Medicaid youth mental health services fee schedule, as provided in ARM 37.87.901, effective ~~October 1, 2021~~ July 1, 2022.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-125, 53-6-402, MCA

37.85.106 MEDICAID BEHAVIORAL HEALTH TARGETED CASE MANAGEMENT FEE SCHEDULE (1) remains the same.

(2) The Department of Public Health and Human Services (department) adopts and incorporates by reference the Medicaid Behavioral Health Targeted Case Management Fee Schedule effective ~~July 1, 2021~~ July 1, 2022, for the following programs within the ~~Developmental Services Division (DSD) and the Addictive and Mental Disorders Division (AMDD)~~Behavioral Health and Developmental Disabilities Division:

(a) through (3) remain the same.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-113, MCA

37.86.3607 CASE MANAGEMENT SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, REIMBURSEMENT (1) Reimbursement for the delivery by provider entities of Medicaid funded targeted case management services to persons with developmental disabilities is provided as specified in the Montana Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures for Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915(c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and Over, dated ~~July 1, 2021~~ July 1, 2022.

(2) The department adopts and incorporates by this reference the Montana Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures for Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915(c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and Over, dated ~~July 1, 2021~~ July 1, 2022. A copy of the manual may be obtained through the Department of Public Health and Human Services, ~~Developmental Services~~ Behavioral Health and Developmental Disabilities Division, Developmental Disabilities Program, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 and at ~~http://dphhs.mt.gov/dsd/developmentaldisabililities/DDPratesinf~~ https://dphhs.mt.gov/dsd/developmentaldisabilities/ddpratesinf.

AUTH: 53-6-113, MCA
IMP: 53-6-101, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.85.104, 37.85.105, 37.85.106, and 37.86.3607 pertaining to updating Medicaid and non-Medicaid provider rates, fee schedules, and effective dates.

The following explanation represents the reasonable necessity for the proposed amendments. The department administers the Montana Medicaid and non-Medicaid program to provide health care to Montana's qualified low income, elderly, and disabled residents. Medicaid is a public assistance program paid for with state and federal funds appropriated to pay health care providers for the covered medical services they deliver to Medicaid members.

The proposed July 1, 2022 fee schedules can be found at https://medicaidprovider.mt.gov/proposedfs.

The proposed amendments are explained below, with reference to the specific subsections of ARM 37.85.104, 37.85.105, 37.85.106, and 37.86.3607.

ARM 37.85.104 Effective Dates of Provider Fee Schedules for Montana Non-Medicaid Services

(1) Behavioral Health and Developmental Disabilities Division Non-Medicaid Fee Schedules
The Developmental Services Division and Addictive and Mental Disorders Division names will be updated to reflect the new combined division name, Behavioral Health and Developmental Disabilities Division.

(1)(c)
Although the department proposes no changes to youth respite care services, the effective date for this fee schedule must be amended to July 1, 2022, because the department is proposing changes in other parts of that fee schedule and the date will be changed. See below at ARM 37.85.105(6).

(1)(a), (b), (d)
The department is proposing to amend the effective date of the fee schedules for Mental Health Services Plan, 72-hour Presumptive Eligibility for Adult Crisis Stabilization Services, and Substance Use Disorder Services from July 1, 2021, to July 1, 2022. This is necessary to reflect the 1% provider rate increase approved by the Montana Legislature during the 2021 regular session.

ARM 37.85.105 Effective Dates, Conversion Factors, Policy Adjusters, And Cost-To-Charge Ratios of Montana Medicaid Provider Fee Schedules

(2)(a) and (b) Resource-Based Relative Value Scale (RBRVS) Federal Register
Effective July 1, 2022, the department is proposing to adopt the version of the RBRVS contained in the Medicare Physician Fee Schedule adopted by the Centers for Medicare & Medicaid Services (CMS) in the November 19, 2021, federal register

(effective January 1, 2022) for the RBRVS reimbursement methodology. This adoption is necessary to incorporate the most up-to-date changes made by CMS.

(2)(b) RBRVS Conversion Factors (CF)
RBRVS rates are calculated by multiplying code-specific relative value units (RVU) by the applicable conversion factor. During the annual RBRVS reimbursement modeling process, the department considers all these factors in the aggregate using a weighted average based on utilization. The 2021 legislature appropriated funds for a restricted provider rate increase of 1% for the state fiscal year 2023. Considering the pricing factors and the appropriated provider rate increase, the department proposes increases to the allied services and mental health services conversion factors. The proposed allied services conversion factor is $25.34, and the proposed mental health services conversion factor is $21.69. When the proposed conversion factor increases are applied against utilization and RVUs, the result is a weighted average rate increase of 1%.

For the physician services conversion factor, the department is directed by 53-6-125, MCA, to increase the conversion factor by the consumer price index for medical care for the previous year, which for this adjustment period is 1%. Physician services are not included in the 2021 legislature appropriated provider rate increase.

(2)(c) Policy Adjustors
Although there will be no change to the policy adjustor for psychological testing, the department is proposing to update the language to remove "for youth" because the policy adjustor also applies to adult mental health services.

(2)(e) Payment to Charge Ratio
The payment to charge ratio, which is used to price some allowable procedures which do not have set reimbursement is proposed to be 43.8%, effective July 1, 2022.

(2)(i) Optometric Services Provider Rate of Reimbursement (PRR)
The department is proposing to increase the optometric services PRR, which is a pricing factor, to 115.33% of the reimbursement for allied services with an effective date of July 1, 2022. When this pricing factor is applied against utilization, relative value units, and proposed allied services conversion factor, optometrists and opticians will receive a weighted average provider rate increase of 1%.

(3)(b)(i) Outpatient Prospective Payment System (OPPS) Federal Register
Effective July 1, 2022, the department is proposing to adopt the Outpatient Prospective Payment System fee schedule published by CMS in the November 16, 2021, federal register (effective January 1, 2022) for the OPPS reimbursement methodology. This adoption is necessary to ensure outpatient hospital updates are aligned with CMS.

(3)(b)(iv) Outpatient Maintenance Dialysis Clinic

The bundled composite rate for outpatient maintenance dialysis clinics is proposed to increase by 1% to $260.60 to incorporate the provider rate increase approved by the Montana Legislature.

(3)(c), (j), (l), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), and (aa) Fee Schedules

The department is proposing the adoption of fee schedules effective July 1, 2022. The fee schedules incorporate changes due to the proposed amendments within this rule notice (i.e., federal register changes, conversion factor updates, legislatively required provider rate increases). The above-listed subsections are for the following fee schedules -- hearing aid services; home infusion therapy services; nutrition services; orientation and mobility specialist services; transportation and per diem fee schedule; specialized non-emergency medical transportation; ambulance services, audiology services; occupational, physical, and speech therapy services; optometric services; EPSDT chiropractic services; lab and imaging services; Targeted Case Management (TCM) for Children and Youth with Special Health Care Needs; TCM for High-Risk Pregnant Women; mobile imaging services; licensed direct-entry midwife; and private duty nursing.

(3)(d) Dental Reimbursement

The department proposes three changes to this subsection: 1) adoption of the Relative Values for Dentist reference published in 2022; 2) modification of the dental conversion factor to $35.48; and 3) adoption of the July 1, 2022, Dental Services fee schedules. These proposed changes are necessary to incorporate the legislatively approved provider rate increase and keep current with updated dental procedure codes.

(3)(e) Dental Provider Manual Update

The Dental Provider manual is proposed to be amended, effective July 1, 2022, to incorporate the updated terminology, acronyms, and contact information for the new provider enrollment portal and the Healthy Montana Kids section. In addition, the dental provider manual is proposed to incorporate the addition and removal of orthodontic codes provided by the Current Dental Terminology (CDT) 2022 book.

(3)(f) Outpatient Drugs Dispensing Fee

Annually the department surveys enrolled pharmacies to establish the state fiscal year minimum dispensing fee. The results from the annual survey provide the data necessary to calculate the minimum dispensing fee, which is proposed to be $4.32. The maximum dispensing fee, for each volume range, is proposed to increase to incorporate the legislatively approved provider rate increase.

The department proposes to add "or equal to" to (3)(f)(iii). This is necessary to ensure there is a dispensing fee for pharmacies with a prescription volume of exactly 70,000.

(3)(h) Outpatient Drugs Reimbursement Vaccine Administration Fee

The department proposes to increase the fee paid for each additional vaccine administered to $15.65. This change is necessary to maintain a vaccine administration fee aligned with the physician services rate.

(3)(k) Prosthetic Devices, Durable Medical Equipment, and Medical Supplies
The department proposes to adopt and incorporate by reference the Medicare Region D Supplier Manual effective July 1, 2022. This proposal is necessary to ensure the department adopts newly added, revised, or deleted Medicare coverage criteria for Medicare covered durable medical equipment, local coverage determinations (LCDs), and national coverage determinations (NCDs).
The department also proposes to revise the effective dates for the durable medical equipment fee schedule to July 1, 2022, to reflect the Calendar Year 2022 Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) fee schedule. This allows the department to update department set fees, Medicare fees, additions, deletions, or changes to procedure codes when Medicare releases and updates its fee schedule.

(4) Senior Long Term Care
The department proposes the adoption of updated fee schedules effective July 1, 2022. The updated fee schedules implement a legislatively appropriated Medicaid provider rate increase of 0.3% for the Community First Choice/Personal Assistance Services (CFC/PAS), Big Sky Waiver, and Home Health programs.

The proposed fee schedule for Big Sky Waiver also includes modifications to residential services to better define provider requirements and avoid duplication of overlapping services. The proposed changes include the addition of a new level of residential service known as Level 2 Assisted Living Facility – Behavior Management. The proposed changes also include the removal of the Residential Habilitation – Child Foster Care service due to federal requirements under which Home and Community Based Services cannot be used to supplant or duplicate services required to be provided by the state under Title IV-E of the Social Security Act. This service has not been used in approximately 10 years and therefore no individuals will be impacted by removal of the service.

The proposed fee schedules are available at:
https://medicaidprovider.mt.gov/proposedfs.

(5)(a), (b), (c) Behavioral Health and Developmental Disabilities Division
The department is proposing to amend the effective date of the fee schedules for Mental Health Center Services for Adults, Home and Community-based Services for Adults with Severe Disabling Mental Illness, and Substance Use Disorder Services from July 1,2021 to July 1,2022. This is necessary to reflect the 1% provider rate increase approved by the Montana Legislature during the 2021 regular session. The Addictive and Mental Disorders Division name will be updated to reflect the new division name, Behavior Health and Developmental Disabilities Division.

(6) Behavioral Health and Developmental Disabilities Division Medicaid youth mental health services fee schedule

The department proposes to revise the effective dates and reimbursements on the Medicaid youth mental health services fee schedule to July 1, 2022. This update incorporates the legislatively approved provider rate increase. In addition, we have updated the Acute Partial Hospitalization Full day to align with current reimbursement. The Developmental Disabilities Division name will be updated to reflect the new division name, Behavioral Health and Developmental Disabilities Division.

ARM 37.85.106 Medicaid Behavioral Health Targeted Case Management Fee Schedule

(2) Fee schedule

The department is proposing to amend ARM 37.85.106 to update the fee schedule date for the Medicaid Behavioral Health Targeted Case Management Fee Schedule from July 1, 2021, to July 1, 2022. This is necessary to update provider rates in accordance with funding appropriated by the Montana Legislature during the 2021 regular session. The Developmental Services Division and Addictive and Mental Disorders Division names will be updated to reflect the new combined division name, Behavioral Health and Developmental Disabilities Division.

ARM 37.86.3607 Case management services for persons with developmental disabilities, reimbursement

(1) and (2) Reimbursement

The department is proposing to amend ARM 37.86.3607 pertaining to reimbursement rates in the Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915 (c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and over.

The rule amendment would adopt and incorporate an updated version of the manual dated July 1, 2022, and will reference the newly merged Behavioral Health and Developmental Disabilities Division.

Based on legislative appropriations in the 2021 legislative session, the Developmental Disabilities Program proposes to implement a 1.9% average provider rate increase to state fiscal year 2023 targeted case management rates.

The proposed amendment would give an approximate 1.9% rate increase to the following service: Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915 (c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and over, with an effective date of July 1, 2022. The Developmental Services Division name will be updated to reflect the new division name, Behavioral Health and Developmental Disabilities Division. In addition, because the link to the manuals in regulation is now invalid, the department proposes to update it with a valid link.

Fiscal Impact

The following table displays the number of providers affected by the amended fee schedules, effective dates, conversion factors, and rates for services for SFY 2023 based on the proposed amendments.

Provider Type	SFY 2023 Budget Impact (Federal Funds)	SFY 2023 Budget Impact (State Funds)	SFY 2023 Budget Impact (Total Funds)	Active Provider Count
Ambulance	$104,215	$26,974	$131,189	204
Audiologist	$1,325	$513	$1,838	83
BCBA/BCBA-D	$8,113	$4,335	$12,448	36
Case Management Services for Persons with Developmental Disabilities	$45,518	$28,318	$73,836	1
Chemical Dependency Clinic	$177,691	$31,609	$209,300	55
Community First Choice	$94,871	$35,882	$130,753	69
Dental	$522,798	$204,406	$727,204	694
Denturist	$24,124	$6,474	$30,598	19
Dialysis Clinic	$28,356	$10,160	$38,516	25
Durable Medical Equipment	$261,829	$94,840	$356,669	510
EPSDT - Chiropractic	$6,154	$3,046	$9,200	157
Free Standing Birthing Center	$0	$0	$0	2
Hearing Aid Dispenser	$1,625	$626	$2,251	37
Home & Comm Based Services	$205,617	$110,486	$316,103	562
Home Health Agency	$2,226	$611	$2,837	26

Home Infusion Therapy	$15,289	$5,025	$20,314	15
Hospital - Outpatient	$0	$0	$0	439
Independent Diagnostic Testing Facility	$12,404	$2,934	$15,338	26
Laboratory	$218,242	$44,699	$262,941	183
Licensed Clinical Social Worker	$127,394	$40,698	$168,092	911
Licensed Professional Counselor	$200,682	$66,540	$267,222	1,114
Licensed Marriage and Family Therapist	$509	$237	$746	5
Mental Health Center	$194,658	$78,578	$273,236	35
Mid-Level Practitioner	$662,580	$183,585	$846,165	5,528
Mobile Imaging Service	$1,200	$281	$1,481	2
Nutritionist/Dietician	$991	$449	$1,440	128
Occupational Therapist	$33,402	$16,356	$49,758	326
Optician	$765	$263	$1,028	28
Optometrist	$52,485	$16,953	$69,438	245
Orientation and Mobility	$941	$509	$1,450	4
Personal and Commercial Transportation	$1,368	$545	$1,913	12
Personal Care Agency	$1,677	$723	$2,400	69
Personal Care Agency - Adult MH	$85	$29	$114	69
Personal Care Agency - Child MH	$14	$7	$21	69
Pharmacy Dispensing Fee	$273,522	$63,682	$337,204	440
Physical Therapist	$83,914	$20,795	$104,709	1,057

Physician	$1,627,910	$456,822	$2,084,732	12,787
Podiatrist	$31,560	$7,801	$39,361	78
Private Duty Nursing Agency	$27,718	$14,976	$42,694	4
Psychiatric Res. Treatment Facility	$120,581	$63,961	$184,542	26
Psychiatrist	$66,764	$20,443	$87,207	344
Psychologist	$11,797	$3,618	$15,415	280
Public Health Clinic	$3,212	$1,017	$4,229	43
CSCT Children's Mental Health	$141,875	$76,731	$218,606	442
Speech Pathologist	$21,905	$11,373	$33,278	307
Targeted Case Management - Children and Youth with Special Health Care Needs	$384	$191	$575	6
Targeted Case Management - High Risk Pregnant Women	$93	$46	$139	-
Targeted Case Management - Mental Health	$68,524	$31,925	$100,449	21
Therapeutic Family Care	$17,616	$9,353	$26,969	14
Therapeutic Group Home	$117,795	$63,151	$180,946	26
Transportation Non-Emergency	$47	$25	$72	7

The department intends these amendments to be effective July 1, 2022.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Valerie St. Clair, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, does not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will significantly and directly impact small businesses.

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of ARM 37.40.307 pertaining to nursing facility reimbursement	)))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 19, 2022, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: https://mt-gov.zoom.us/j/88119780023?pwd=QTN3M1NBaVZuc1M0TmNvYU9sdW1IUT09 meeting ID: 881 1978 0023 and password 214059; or

(b) Dial by telephone +1 646 558 8656, meeting ID: 881 1978 0023. Find your local number: https://mt-gov.zoom.us/u/kefDx1EWEW.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on May 5, 2022, to advise us of the nature of the accommodation that you need. Please contact Valerie St. Clair, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-6863; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.40.307 NURSING FACILITY REIMBURSEMENT (1) remains the same.

(2) Effective July 1, 2020, and in subsequent rate years, the reimbursement rate for each nursing facility will be determined using the flat rate component specified in (2)(a) and the quality component specified in (2)(b).

(a) The flat rate component is the same per diem rate for each nursing facility and will be determined each year through a public process. Factors that could be considered in the establishment of this flat rate component include cost of providing nursing facility services and Medicaid recipient access to nursing facility services. The flat rate component for state fiscal year (SFY) ~~2022~~ 2023 is ~~$208.71~~ $209.34.

(b) remains the same.

(c) The total payment rate available for the period ~~July 1, 2021~~ July 1, 2022, through ~~June 30, 2022~~ June 30, 2023, will be the rate as computed in (2), plus any additional amount computed in ARM 37.40.311 and 37.40.361. Copies of the department's current nursing facility Medicaid reimbursement rates per facility are

posted at ~~https://medicaidprovider.mt.gov/26#1875810541-fee-schedules---nursing-facility-medicaid-rates and~~ https://medicaidprovider.mt.gov/26#1875810541, or may be obtained from the Department of Public Health and Human Services, Senior & Long-Term Care Division, P.O. Box 4210, Helena, MT 59604-4210.

(3) Providers who, as of July 1 of the rate year, have not filed with the department a cost report covering a period of at least six months participation in the Medicaid program in a newly constructed facility will have a rate set at the flat rate component as computed on ~~July 1, 2021~~ July 1, 2022. Following a change in provider as defined in ARM 37.40.325, the per diem rate for the new provider will be set at the previous provider's rate, as if no change in provider had occurred.

(4) through (12) remain the same.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-6-101, 53-6-111, 53-6-113, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.40.307 by revising nursing facility reimbursement rates for the upcoming State Fiscal Year (SFY) 2023.

The proposed amendments set the flat rate component for Medicaid nursing facility reimbursement at $209.34 for SFY 2023. This rate equates to an increase of three tenths of one percent (0.3%) from SFY 2022. The rate calculation includes House Bill (HB) 2 funding appropriated by the Montana Legislature during the 67th Legislative Session and annualized SFY 2022 Medicaid paid days to determine nursing facility providers' reimbursement according to the methodology outlined under (2) of the rule. In balancing the factors that may be considered under 53-6-113, MCA, and ARM 37.40.307(2) to establish the rate, the department's primary consideration was the availability of appropriated funds.

Copies of the department's proposed nursing facility Medicaid reimbursement rates per facility are located under "Proposed Rules Changes" tab at: https://medicaidprovider.mt.gov/26#1875810541.

The proposed amendments are necessary for the department to provide notice of the change to Medicaid nursing facility provider rates.

Fiscal Impact

The estimated total funding available for SFY 2023 for nursing facility reimbursement is approximately $194,023,422 of combined state funds, federal funds, and patient contributions. These amounts do not include at risk provider funds or direct care wage funding. Nursing facility reimbursement will include an increase of 0.3% in provider rates. The estimated total cost of this rate increase is approximately $469,740.

Anticipated days for SFY 2023 are 827,516 using estimates from SFY 2022 Medicaid paid days.

The SFY 2023 appropriated funding for lump-sum payments to providers for direct care and ancillary workers is $6,970,153 for the nursing facility direct-care worker wage program and $3,959,056 for CNAs only direct-care worker wages program.

69 nursing facility providers participated in the Medicaid nursing facility payment program and approximately 3,201 recipients received services in nursing facilities under Medicaid.

The department intends these amendments to be effective July 1, 2022.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Valerie St. Clair, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., May 27, 2022.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement

and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to marijuana and marijuana products packaging and labeling application and approval process	)))))	AMENDED NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION

TO: All Concerned Persons

1. On February 25, 2022, the Department of Revenue (department) published MAR Notice No. 42-1048 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 274 of the 2022 Montana Administrative Register, Issue Number 4. The department held the required public hearing on March 22, 2022, to consider the proposed adoption of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on May 4, 2021. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or todd.olson@mt.gov.

3. Upon review of the commentary and testimony provided at the March 22, 2022 public hearing, the department proposes revisions to the proposed text in New Rule I which are described in paragraph 4. The department has amended the statement of reasonable necessity for New Rule I, relative to the proposed rule revisions, and has amended the fiscal impact statement to provide additional detail (based on the proposed revised application fee structure in New Rule I(15)) and a correction to the number of affected licensees.

4. New Rule I is being amended from the original proposal notice, new matter underlined, deleted matter interlined:

NEW RULE I PACKAGING AND LABELING APPLICATIONS, ~~AND~~ FEES AND DEPARTMENT APPROVAL PROCESSES; EXIT PACKAGE APPROVAL; INITIAL REQUIREMENTS APPLICABLE TO ALL LICENSEES (1) remains as proposed.

(2) For purposes of this rule, a "unique marijuana product package" means~~:~~

~~(a) a prototype package for each of the marijuana product categories in (1); and~~

~~(b) within each of the marijuana product categories,~~ a custom package that contains variations in graphic or design elements including logos. For example, boxes used for pre-rolls with a graphic for "Grape Ape" and a different graphic for "Cherry Pie" are unique marijuana product packages.

(3) A unique marijuana product package does not mean a package with variations in language, such as product information or instructions, or a package that depicts flavor variation without an accompanying change in graphic or design, or a different ~~package~~ size, shape, or ~~package~~ color. For example, mylar bags used for marijuana flower with different colors for indica, sativa, or hybrid used in various sizes are not unique marijuana product packages.

(4) For purposes of this rule "generic package" or "generic packaging" means packaging without any graphic or design elements, including logo, whether preprinted on the package or affixed later with an adhesive, sticker, or by other means.

~~(4)~~ (5) All applicants, whether as an initial license applicant or existing licensee, must submit an application to the department~~, on a form provided by the department,~~ for approval of the labeling of each marijuana product category intended for sale to customers.

~~(a)~~ (6) An applicant must submit a separate application for each label~~.~~ - up to a maximum of eight total label applications - based on the applicant's sale of some or all of the following marijuana or marijuana product categories:

(a) adult-use flower;

(b) medical flower;

(c) adult-use ingestible marijuana-infused products;

(d) medical ingestible marijuana-infused products;

(e) adult-use non-ingestible marijuana-infused products;

(f) medical non-ingestible marijuana-infused products;

(g) adult-use marijuana concentrates and extracts; and

(h) medical marijuana concentrates and extracts.

(7) An applicant will be given the following labeling options for the product categories listed in (6):

(a) selecting and affirming its use of a pre-approved template label available for download from the department, at no cost to the applicant, as provided in (15); or

(b) use of a custom label design and pay the custom label application fee, as provided in (15).

~~(b)~~ (8) An applicant that elects to use its custom (i.e., non-department template) label design must submit only one template label for each marijuana product ~~type~~ category.

(9) Except as provided in ~~(c)~~ (10), a new label application is not required when the marijuana facts panel information changes for disclosures such as levels of total potential psychoactive THC, THC, THCa, CBD, or CBDa, date of harvest, strain name, or ingredients.

~~(c)~~ (10) An applicant that sells marijuana products to registered cardholders with THC levels in excess of the limits set in 16-12-224, MCA, must submit a separate application and label template for ~~those products~~ each of the marijuana product categories sold.

~~(5)~~ (11) ~~An applicant must apply~~ All applicants, whether as an initial license applicant or existing licensee, must submit an application to the department~~, on a form provided by the department,~~ for approval for the packaging of each ~~unique~~ marijuana product ~~package~~ category intended for sale to customers.

~~(a) An applicant must submit a separate application for each unique marijuana product package.~~

(12) An applicant will be given the following packaging options for the product categories listed in (6):

(a) selecting and affirming its use of generic packaging. The applicant shall identify on the application which marijuana or marijuana products will be placed in generic packaging; or

(b) use of custom packaging with graphic or design elements, including logo, whether preprinted on the package or affixed with an adhesive, a sticker, or by other means. In this case, ~~An~~ the applicant must provide a picture or accurate, detailed rendering ~~and a description of the product~~ of the packaging. Further, the applicant shall identify on the application which marijuana or marijuana products will ~~to~~ be placed in each unique marijuana product package.

~~(6)~~ (13) ~~An applicant~~ All applicants, whether as an initial license applicant or existing licensee, must submit an ~~separate~~ application to the department for approval for each exit package type it will use. If the applicant intends to use the same exit package type in multiple sizes, it may submit each size under ~~the same~~ one application.

(a) Exit packaging must comply with ARM 42.39.319(2).

(b) Exit packaging must comply with federal child-resistant packaging standards pursuant to 16-12-208(6), MCA.

~~(7)~~ (14) All applications and required attachments, such as photographs~~,~~ ~~product descriptions,~~ and renderings ~~of proposed labels, and proposed packaging~~ shall be submitted electronically to the department via its online portal.

~~(8)~~ (15) An applicant must submit the following fees to the department:

(a) no charge ($0.00) for label applications described in (7)(a) or packaging applications in (12)(a);

(b) $25 per label application described in (7)(b) for custom label design;

~~(b)~~ (c) $10 per package application described in (12)(b); and

(c) remains as proposed but is renumbered (d).

~~(9)~~ (16) The department shall review each application and shall notify an applicant, in writing, whether the packaging, label, or exit package has been approved or rejected.

~~(10)~~ (17) Whenever the department returns any application for correction ~~to the label or package~~, it shall notify an applicant, in writing, of the deficiencies or issues with the application or submitted ~~label or package~~ materials.

~~(11)~~ (18) An applicant ~~may resubmit a label or package once under the original application within ten days after the date of the department's first return for correction without paying another application fee. If the applicant fails to respond within ten days, the application shall be denied~~ will receive an invoice for all application fees upon the department's approval of the application(s). The applicant shall pay all invoiced application fees to the department within ten days of receipt. An applicant's failure to pay all invoiced application fees may result in the reversal of application approval and denial of the application.

~~(12) If the department returns a label or package application a second time, it shall notify an applicant, in writing, of the deficiencies or issues with the proposed package or label and that the application shall be denied.~~

~~(13)~~ (19) An applicant whose application is denied under ~~(11)~~ (5) or ~~(12)~~ (11) must reapply ~~and pay a new application fee~~.

~~(14)~~ (20) In order to fully implement the packaging and labeling requirements of the Act, all licensees must submit their packaging and label applications to the department by ~~July~~ August 1, 2022. Licensees may continue to use packaging and labeling that is compliant with the former Montana Medical Marijuana Act (Title 50, chapter 46, MCA) during the pendency of the department's approval(s), provided the licensee's applications were submitted by ~~July~~ August 1, 2022.

~~(15)~~ (21) A licensee that fails to submit applications for approval of packaging and labeling by ~~July~~ August 1, 2022 shall be subject to disciplinary proceedings.

(22) A licensee shall be subject to disciplinary proceedings when:

(a) it affirms to the department that it is using a pre-approved department template label but then uses any other label without submitting an application, applicable fees, and receiving department approval; or

(b) it affirms to the department that it is using generic packaging, but then uses any other product packaging, with graphic or design elements, including logo, whether preprinted on the package or affixed later with an adhesive, sticker, or by other means, without submitting an application, applicable fees, and receiving department approval.

(16) remains as proposed but is renumbered (23).

~~(17)~~ (24) A licensee must maintain approval letters for all product packaging, labels, and exit packages at the licensed premises and shall make those letters available to department inspectors upon request.

AUTH: 16-12-112, MCA
IMP: 16-12-112, 16-12-208, 16-12-215, 16-12-224, MCA

5. The statement of reasonable necessity is being amended as follows, new matter underlined, deleted matter interlined:

REASONABLE NECESSITY: The department proposes to adopt New Rule I which is necessary for the department to implement the provisions of 16-12-208(8), MCA, by providing an application and approval process for the packaging and labeling of the marijuana or marijuana products described in ARM 42.39.314 through 42.39.319. New Rule I also specifies the department's approval of a licensee's/license applicant's exit packaging, which is provided in 16-12-208(6), (8), and (9), MCA. The catchphrase for New Rule I informs licensees and license applicants of the applications, applicable fees, and initial requirements in the department's implementation of the authorizing statute.

Section 16-12-208(8), MCA, requires a licensee or license applicant to submit both a package and a label application, using forms prescribed by the department, for department review and approval. New Rule I implements this directive and outlines the process for the submission of package and label approvals.

The inclusion of (1) is necessary - for the limited purpose of this rule - to cross-reference the marijuana product categories in ARM 42.39.315 through 42.39.318 that require a separate label application and lessen potential confusion from the marijuana product categories (and subcategories) defined in statute and

ARM 42.39.102.

Sections (2) and (3) define what is, and what is not, a "unique marijuana product package" as guidance for when a product package requires an application and department approval. Sections (2) and (3) also provide examples, using specific products, to increase licensee understanding of what constitutes a unique marijuana product package.

Section (4) is proposed to define "generic package" or "generic packaging," which is a zero cost packaging alternative - provided in (15) - should a licensee opt for a more basic packaging format.

Section ~~(4)~~ (5) provides the general application submission requirement~~s~~ for a licensee or license applicant for the approval of a label. ~~Section (4) also clarifies that only one template label is required for each of the marijuana product categories in (1) unless the label will be used for marijuana or a marijuana product that exceeds the THC potency levels in 16-12-224, MCA. Because there are additional label requirements for medical marijuana products (see ARM 42.39.315(8)), applicants must also submit a separate label template for the medical marijuana products so that the department can ensure the label satisfies all of the marijuana laws.~~

Section (6) contains the department's proposed labeling application criteria. The department proposes a separate label application - up to a maximum of eight total label applications - based on the applicant's sale of some or all of the adult-use or medical marijuana or marijuana product categories. The department contends that all current lawful marijuana or marijuana product types can be categorized as one of the listed types. So an applicant who sells 50 individual marijuana or marijuana products, is only required to submit a maximum of eight label applications, depending on the category of the products sold.

Section (7) is proposed as the department's offer of product labeling options to label applicants. Subsection (7)(a) proposes a uniform, department-approved label that costs the applicant nothing for its approval and use, while (7)(b) describes a custom label design option for an applicant's products, which would carry an application fee to offset department costs in the label review for statutory compliance. The department believes the options in (7) meet industry's request for an option with minimal or no processing or cost while allowing for a custom labeling option. The department will develop and integrate the no-cost label option as a part of its work to implement the other portions of New Rule I.

Section (8) is proposed to clarify the requirement that an applicant must provide the department with a template (i.e., sample) label for each product category sold for review and approval.

Sections (9) and (10) are proposed to provide necessary clarity in product labeling compliance for marijuana facts panel information changes and for medical licensees who sell marijuana products with excess THC limits, as provided in statute.

Section ~~(5)~~ (11) sets forth ~~what is~~ the required application of a licensee~~, an applicant,~~ or license applicant ~~when it submits an application~~ for the approval of ~~a unique~~ marijuana product package~~s~~, as defined in (2) and (3).

Section (12), like proposed (7), provides product packaging options to applicants. Subsection (12)(a) proposes a generic package option that costs the applicant nothing for its approval and use, while (12)(b) describes a custom

packaging option for an applicant's products, which would carry an application fee to offset department costs in the package review for statutory compliance. The department believes the options in (12) meet industry's request for an option with minimal or no processing or cost, while allowing for a custom package option should an applicant desire it. The department will develop and integrate the no-cost package option as a part of its work to implement the other portions of New Rule I.

Section ~~(6)~~ (13) provides the process for the approval of exit packaging. Each exit packaging configuration requires a separate application, unless an applicant intends to use the same exit package configuration in multiple sizes, in which case it can submit the differing sizes under one package approval application.

Section ~~(7)~~ (14) sets forth how applicants may submit their applications. Pursuant to the authority in 16-12-208(8)(b), MCA, the department will require electronic applications and will only request a physical prototype, when necessary, to ensure that the label or package satisfies the marijuana laws.

Section ~~(8)~~ (15) is proposed to establish application fee requirements, including the no-fee options described in proposed (15)(a). The department is required by 16-12-208(8)(d)(i), MCA, to establish these fees, and guided by 16-12-112(1)(q), MCA, in establishing the amount. The department contends the fees proposed in (15)(b) through (d) are reasonable given the amount of review and processing of custom label and packaging applications and the related submissions.

Sections ~~(9)~~ (16) through ~~(13)~~ (19) further explain the general application approval/denial process, communications from the department of approvals or denials, and invoicing procedures - which includes no additional cost to an applicant should they need to resubmit an application under proposed (19). ~~submission process and also provides that an applicant may proceed under the initial application returned for correction and the conditions which require resubmittal of an application and payment of additional fees.~~

Section ~~(14)~~ (20) provides a deadline of August 1, 2022, by which all package and label applications must be submitted by for existing or known products. As new products are developed and new packaging is employed, applicants may submit approval for those products after this date.

Section ~~(15)~~ (21) makes clear that licensees that fail to submit the mandatory package and label applications risk disciplinary proceedings.

Section (22) is proposed to clarify and notify licensees that they are subject to adverse department action for failure to comply with the packaging and labeling requirements of 16-12-208, MCA, and New Rule I.

Section ~~(16)~~ (23) proposes to require a deadline for all licensees to submit their packaging and labeling applications for approval for all existing products in order to implement 16-12-208, MCA. The department is mindful of the challenges of converting labels and products for compliance under the marijuana laws. However, the Marijuana Regulation and Taxation Act became law in May 2021, and the department initiated its packaging and labeling rules (ARM 42.39.315 through 42.39.318) on October 22, 2021. The rules have been in effect since January 1, 2022, and licensees have been aware of program requirements.

Section ~~(17)~~ (24) requires licensees to maintain approval letters on site at their licensed premises to show to inspectors, if requested. This will assist inspectors in determining whether packaging and labeling is compliant and will help

shorten the length of time needed for an inspection by not requiring this determination be made on site.

~~FISCAL IMPACT: In accordance with 2-4-302(1)(c), MCA, the department is required to estimate the fiscal impact of New Rule I through the payment and collection of packaging and labeling application fees authorized under the Act and described in New Rule I(8), if known, and the number of persons affected. The fiscal impact of the application fees cannot be accurately measured for this rulemaking because the number of marijuana product packages, labels, and exit packages which require an application is not only dependent on the number of dispensary licensees but also on the variety of inventory sold by each licensee. As of February 15, 2022, there are 457 dispensaries who may be affected by proposed application fees in New Rule I.~~

FISCAL IMPACT: In accordance with 2-4-302(1)(c), MCA, the department is required to estimate the fiscal impact of New Rule I through the payment and collection of new packaging and labeling application fees authorized under the Act and described in New Rule I(15), if known, and the number of persons affected.

While the fiscal impact of the proposed rulemaking cannot be accurately estimated with a specific, dollar amount across all affected persons - due to the variety of marijuana and marijuana products sold by each dispensary licensee and the possible combinations of marijuana product packages, labels, and exit packages used by each licensee - the department provides non-exhaustive examples of estimated fiscal impact (below) and the incorporation of zero fee application options proposed in New Rule I(15)(a), which the department contends is more appropriate and relatable than a theoretical determination applied industry-wide.

The following assumptions are offered, relative to the number of persons affected by the fees in New Rule I or current industry conditions, as of the date of this notice:

1. There are 288 dispensary licensees that operate 453 locations in Montana. Of the 288 dispensary licensees, 82 are medical-only, and 206 are eligible for both adult-use and medical sales.

2. The minimum number of product categories for a dispensary licensee is one - a dispensary that sells only marijuana flower. The maximum is eight - a dispensary that sells all four product categories for both adult-use and medical.

3. All lawful products will fit into the eight categories described in proposed (6). For example, each marijuana strain does not require a custom label and application. The same analysis applies to packaging – a single approved package can come in many sizes and/or have different contents.

4. The department anticipates that few businesses will need or want labeling for all eight product categories; three to six product categories will be the most common.

5. Larger dispensary licensees will use mostly custom packages. Custom printed bags are in use on a large scale already.

6. While it is possible for licensees to use generic packaging and labeling exclusively, the department contends this unlikely. At a minimum, the licensee will want to incorporate a logo sticker on their otherwise inexpensive, commonly used

packaging like bags, jars, and medicine bottles, which would result in a unique marijuana product package, as defined in proposed (4).

Given the above-described assumptions, the department provides the following representative examples of estimated fiscal impact on licensees/license applicants:

A. Under the amended fee schedule in proposed (15), the minimum fiscal impact for an applicant is $10.00 total; based on a $10.00 exit package application with department label and generic packaging for all products that cost an applicant $0.00.

B. Under the amended fee schedule in proposed (15), an estimated fiscal impact for an applicant selling eight marijuana product categories is $750.00 total; based on the following example:

(i) exit packages: five at $10/per exit package = $50.00;

(ii) labels: eight x $25/per custom label = $200.00;

(iii) packages (five bag types, five jar types, five liquid containers, ten beverage containers, five medicine bottles, five pre-roll containers, five syringes, ten paper/foil candy wrappers) x $10 each = $500.00.

C. Under the amended fee schedule in proposed (15), an estimated average fiscal impact for a licensee is $60.00 total; based on the following example:

(i) exit package = $10.00;

(ii) department label = $0.00;

(iii) mix of generic and custom packaging (five customs: one bag type, two jar types, one liquid container, one pre-roll container) = $50.00.

In addition to the examples provided above, the department estimates many applicants will use generic labels ($0.00), basic exit packages ($10.00), and a mix of generic and custom packages (ranging $10 - 150.00). Smaller business applicants could easily opt for all generic packaging and labels and spend only $10.00 on the exit package application. Larger business applicants with diverse product offerings that come in a variety of package types who want custom labels may spend more than $300.00.

As discussed in the reasonable necessity statement for New Rule I(15), the department is required by 16-12-208(8)(d)(i), MCA, to establish these fees, and is guided by 16-12-112(1)(q), MCA, in establishing the amount. The department contends the fees proposed in (15)(b) through (d) are reasonable given the amount of review and processing of custom label and packaging applications and the related submissions.

6. No additional public hearing will be held to consider this amended proposal notice. The department is extending the comment period for this proposed rulemaking in accordance with 2-4-305, MCA, as described in paragraph 7.

7. Concerned persons may submit their data, views, or arguments, either orally or in writing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov and must be received no later than 5:00 p.m., May 6, 2022.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Brendan Beatty
Brendan Beatty
Director of Revenue

Certified to the Secretary of State April 19, 2022.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 44.5.114, 44.5.115, 44.5.116, 44.5.117, and 44.5.118 pertaining to the reduction of Business Services filing fees	)))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 20, 2022, at 10:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m., May 13, 2022, to advise us of the nature of the accommodation that you need. Please contact Sue Ames, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-2807; fax (406) 444-3976; TDD/Montana Relay Service (406) 444-9068; or e-mail sames@mt.gov.

3. The rules proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

44.5.114 CORPORATIONS - PROFIT AND NONPROFIT FEES

(1) Domestic filings:	
(a) for articles of incorporation:	
(i) profit	$ ~~70.00~~ 35.00
(ii) nonprofit	20.00
(b) reinstatement:	
(i) for profit corporations, the $30.00 filing fee, plus an additional fee of $35.00 per year for each year of delinquent annual reports	
(ii) for nonprofit corporations	10.00
(c) articles of correction	15.00
(d) articles of amendment	15.00
(e) restated articles	15.00
(f) articles of merger	20.00
(g) articles of dissolution	~~15.00~~ no charge
(h) domestic business trust	70.00
(i) articles of revocation of voluntary dissolution	15.00
(2) Foreign filings:	
(a) certificate of authority:	
(i) profit	70.00
(ii) nonprofit	20.00

(b) amended certificate of authority 15.00
(c) withdrawal ~~15.00~~ no charge
(d) registration of name (per year) 10.00
(e) renewal of name registration (per year) 10.00
(f) foreign business trust 70.00
(3) Both domestic and foreign filings:
(a) name reservation 10.00
(b) transfer/cancellation of reserved name no charge
(c) cancellation of foreign name registration 15.00
(d) statement of change of:
(i) registered office no charge
(ii) registered agent no charge
(e) annual report filed prior to April 15th 20.00
(f) annual report filed after April 15th 35.00
(g) certificate of existence (domestic) 5.00
(h) certificate of authority (foreign) 5.00
(i) certificate of fact 15.00
(j) any other statement or report 15.00

~~(4) If a paper-filed document is rejected because of deficiencies in the filing, a reprocessing fee of 50 percent of the initial filing fee will be assessed each time the document is resubmitted.~~

~~(5)~~ (4) Electronically filed documents ~~rejected~~ returned because of deficiencies in the filing will not be assessed a reprocessing fee.

~~(6) Documents filed with inadequate funds will be rejected and when refiled must be accompanied by a dollar amount that satisfies the initial filing fee and includes the 50 percent reprocessing fee.~~

AUTH: 2-15-405, ~~35-1-1307,~~ 35-2-1107, 35-7-103, 35-14-122, 35-14-130, MCA
IMP: 2-15-405, ~~35-1-217, 35-1-1206, 35-1-1307,~~ 35-2-119, 35-2-1003, 35-6-201, 35-14-120, 35-14-122, 35-14-130, MCA

44.5.115 LIMITED LIABILITY COMPANY FEES

(1) Domestic filings:
(a) articles of organization $ ~~70.00~~ 35.00
plus $50.00 for each series member named in the series LLC
(b) articles of correction 15.00
(c) articles of amendment 15.00
plus $50.00 for each series member named in the series LLC
(d) restated articles 15.00
(e) articles of merger 20.00
(f) application for reviver 15.00
(g) articles of termination ~~15.00~~ no charge
(h) reinstatement of involuntarily dissolved limited liability company 35.00
plus an additional fee of $35.00 per year for each year of delinquent annual reports
(2) Foreign filings:
(a) certificate of authority 70.00

plus $50.00 for each series member named in the series LLC

(b) amended certificate of authority 15.00

plus $50.00 for each series member named in the series LLC

(c) withdrawal ~~15.00~~ no charge

(d) registration of name (per year) 10.00

(e) renewal of name registration (per year) 10.00

(3) Both domestic and foreign filings:

(a) name reservation 10.00

(b) transfer/cancellation of name reservation no charge

(c) statement of change of:

(i) registered office no charge

(ii) registered agent no charge

(d) annual report filed prior to April 15th 20.00

(e) annual report filed after April 15th 35.00

(f) any other statement or report 15.00

(g) certificate of existence (domestic) 5.00

(h) certificate of authority (foreign) 5.00

~~(4) If a paper-filed document is rejected because of deficiencies in the filing, a reprocessing fee of 50 percent of the initial filing fee will be assessed each time the document is resubmitted.~~

~~(5)~~ (4) Electronically filed documents ~~rejected~~ returned because of deficiencies in the filing will not be assessed a reprocessing fee.

~~(6) Documents filed with inadequate funds will be rejected and when refiled must be accompanied by a dollar amount that satisfies the initial filing fee and includes the 50 percent reprocessing fee.~~

AUTH: 2-15-405, MCA
IMP: 2-15-405, 35-8-208, 35-8-211, 35-8-212, MCA

44.5.116 LIMITED LIABILITY PARTNERSHIP FEES

(1) Registration of limited liability partnership $ ~~20.00~~ 10.00

(2) Partnership agreement or statement of partnership authority 20.00

(3) Renewal of registration 20.00

(4) Amendment to registration 20.00

(5) Reservation of name 10.00

(6) Cancellation of registration no charge

(7) Filing of any other statement 15.00

~~(8) If a paper-filed document is rejected because of deficiencies in the filing, a reprocessing fee of 50 percent of the initial filing fee will be assessed each time the document is resubmitted.~~

~~(9)~~ (8) Electronically filed documents ~~rejected~~ returned because of deficiencies in the filing will not be assessed a reprocessing fee.

~~(10) Documents filed with inadequate funds will be rejected and when refiled must be accompanied by a dollar amount that satisfies the initial filing fee and includes the 50 percent reprocessing fee.~~

AUTH: 2-15-405, 35-10-111, MCA

IMP: 2-15-405, 35-10-111, 35-10-720, MCA

44.5.117 LIMITED PARTNERSHIP FEES (1) Both domestic and foreign filings:

(a) certificate of limited partnership	$ ~~20.00~~ 10.00
(b) certificate of renewal of limited partnership	15.00
(c) amendment of limited partnership	15.00
(d) reservation of limited partnership name	10.00
(e) transfer of name reservation	no charge
(f) statement of change of:	
(i) registered office	no charge
(ii) registered agent	no charge
(g) correction or cancellation of limited partnership	~~15.00~~ no charge
(h) any filing not listed above	15.00

~~(2) If a paper-filed document is rejected because of deficiencies in the filing, a reprocessing fee of 50 percent of the initial filing fee will be assessed each time the document is resubmitted.~~

~~(3)~~ (2) Electronically filed documents rejected because of deficiencies in the filing will not be assessed a reprocessing fee.

~~(4) Documents filed with inadequate funds will be rejected and when refiled must be accompanied by a dollar amount that satisfies the initial filing fee and includes the 50 percent reprocessing fee.~~

AUTH: 2-15-405, MCA
IMP: 2-15-405, 35-12-521, MCA

44.5.118 COOPERATIVE ASSOCIATIONS, AGRICULTURAL ASSOCIATIONS, COOPERATIVE AGRICULTURAL AUTHORITY, RURAL COOPERATIVE UTILITIES FEES

(1) Cooperative association:	
(a) articles of incorporation	$ 20.00
(b) any other articles	10.00
(2) Agricultural association:	
(a) articles of incorporation	20.00
(b) any other articles	10.00
(3) Agricultural marketing association:	
(a) articles of incorporation	40.00
(b) any other articles	10.00
(4) Rural cooperative utilities:	
(a) articles of incorporation	40.00
(b) any other articles	10.00

~~(5) If a paper-filed document is rejected because of deficiencies in the filing, a reprocessing fee of 50 percent of the initial filing fee will be assessed each time the document is resubmitted.~~

~~(6)~~ (5) Electronically filed documents ~~rejected~~ returned because of deficiencies in the filing will not be assessed a reprocessing fee.

~~(7) Documents filed with inadequate funds will be rejected and when refiled must be accompanied by a dollar amount that satisfies the initial filing fee and includes the 50 percent reprocessing fee.~~

AUTH: 2-15-405, 35-15-210, MCA
IMP: 2-15-405, 35-15-201, 35-15-205, 35-15-210, 35-17-205, 35-18-502, MCA

REASONABLE NECESSITY: Montana has experienced record growth in new business filings over the last two years (21% in 2020 and 28% in 2021). In addition, the online business filing system implemented in December 2020 provides efficiencies that reduce review and processing time by the Secretary of State's Office staff. Montana law (2-15-405, MCA) allows the Secretary of State to establish fees commensurate with the overall costs of the office. After a review of the office's operational revenue and expenses, it was determined that it is appropriate to propose a reduction in several filing fees for new businesses and monitor the related impact.

In addition, the proposed changes eliminate the filing fee for dissolution of business registrations. Businesses can involuntarily dissolve at no cost, so eliminating this fee may increase compliance with the statutory requirements.

The changes related to the rejection of paper filings are proposed because the rule language is no longer relevant and is unnecessary. Additionally, filings submitted electronically that are deficient are returned for correction, not rejected.

4. With regard to the requirements of 2-4-302(1)(c), MCA, it has been determined that these changes will have a fiscal impact. It is estimated that approximately 34,580 businesses will be impacted each year by the reduced or eliminated fees which will result in an estimated $1,139,825 annual savings for those businesses based on a three-year average of the affected filings. The estimated impact for each fee is below.

- 44.5.114(1)(a)(i) – Domestic For-Profit Articles of Incorporation
  - Approximately 1,700 businesses will save $59,500 through reduction of this fee.
- 44.5.114(1)(g) – Nonprofit Articles of Dissolution
  - Approximately 100 businesses will save $1,500 through the elimination of this fee.
- 44.5.114(2)(c) – Foreign Corporation Filings Withdrawal
  - Approximately 400 businesses will save $6,000 through elimination of this fee.
- 44.5.115(1)(a) – Domestic LLC Articles of Organization
  - Approximately 29,500 businesses will save $1,032,500 through reduction of this fee.
- 44.5.115(1)(g) – Domestic LLC Articles of Termination
  - Approximately 2,000 businesses will save $30,000 through elimination of this fee.
- 44.5.115(2)(c) – Foreign LLC Filings Withdrawal

    - Approximately 280 businesses will save $4,200 through elimination of this fee.
- 44.5.116(1) – LLP Registration of Limited Liability Partnership
    - Approximately 200 businesses will save $2,000 through reduction of this fee.
- 44.5.117(1)(a) – Domestic and Foreign Certificate of Limited Partnership
    - Approximately 375 businesses will save $3,750 through reduction of this fee.
- 44.5.117(1)(g) – Correction or cancellation of Limited Partnership
    - Approximately 25 businesses will save $375 through elimination of this fee.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing angela.nunn@mt.gov, and must be received no later than 5:00 p.m., June 3, 2022.

6. Austin James, Secretary of State's Office, has been designated to preside over and conduct the hearing.

7. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list may submit their request online at https://sosmt.gov/arm/secretary-of-state-administrative-rules/ or a submit a written request which includes the name and contact information of the person who wishes to receive notices. Written requests may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1301 E. 6th Avenue, P.O. Box 202801, Helena, MT 59620-2801, or emailed to sosarm@mt.gov.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the amendment of the above-referenced rules will directly impact small businesses. Based on the Montana Department of Labor and Industry's Quarterly Census of Employment and Wages, 99.9% of all Montana businesses are small businesses. Therefore, it is estimated that approximately 34,545 businesses registered with the Secretary of State's Office will be positively impacted by the proposed reduced or eliminated fees for business filings.

/s/ AUSTIN JAMES
Austin James
Rule Reviewer

/s/ CHRISTI JACOBSEN
Christi Jacobsen
Secretary of State

Dated this 19th day of April, 2022.

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 2.43.3502 pertaining to the Defined Contribution Retirement Plan Investment Policy Statement and the Montana Fixed Fund Investment Policy Statement and ARM 2.43.5102 pertaining to the 457(b) Deferred Compensation Plan Investment Policy Statement and the Montana Fixed Fund Investment Policy Statement	)	NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On February 25, 2022, the Public Employees' Retirement Board published MAR Notice No. 2-43-622 pertaining to the proposed amendment of the above-stated rules at page 267 of the 2022 Montana Administrative Register, Issue Number 4.

2. The Public Employees' Retirement Board has amended the above-stated rules as proposed.

3. No comments or testimony were received.

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Chief Legal Counsel
and Rule Reviewer

/s/ Sheena Wilson
Sheena Wilson
President
Public Employees' Retirement Board

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 8.2.328 pertaining to actions that qualify as categorical exclusions under the Montana Environmental Policy Act	))))	NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On March 11, 2022, the Department of Commerce published MAR Notice No. 8-2-197 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 311 of the 2022 Montana Administrative Register, Issue Number 5.

2. No comments or testimony were received.

3. The department has amended the above-stated rule as proposed.

/s/ Amy Barnes
Amy Barnes
Rule Reviewer

/s/ Adam Schafer
Adam Schafer
Deputy Director
Department of Commerce

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 8.94.3814 and 8.94.3815 pertaining to the submission and review of applications for funding under the Montana Coal Endowment Program (MCEP)	))))))	NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On March 11, 2022, the Department of Commerce published MAR Notice No. 8-94-196 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 314 of the 2022 Montana Administrative Register, Issue Number 5.

2. The department has amended the above-stated rules as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT NO. 1: The department received numerous comments requesting an extension of the Montana Coal Endowment Program (MCEP) application deadline of May 5, 2022.

RESPONSE NO. 1: Due to the timing of the ARPA Infrastructure Advisory Commission meeting of April 20, 2022, where the Department of Natural Resources and Conservation will present the successful applicants of round two of the competitive applications, the Department of Commerce agrees to extend the application deadline for MCEP to May 18, 2022.

/s/ Amy Barnes
Amy Barnes
Rule Reviewer

/s/ Adam Schafer
Adam Schafer
Deputy Director
Department of Commerce

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

In the matter of the repeal of ARM 24.15.101 and 24.15.501 pertaining to the Employment Relations Division	)))	NOTICE OF REPEAL

TO: All Concerned Persons

1. On March 11, 2022, the Department of Labor and Industry (department) published MAR Notice No. 24-15-201 regarding the proposed repeal of the above-stated rules, at page 317 of the 2022 Montana Administrative Register, Issue No. 5.

2. No comments were received by the April 8, 2022 deadline.

3. The department has repealed ARM 24.15.101 and 24.15.501 exactly as proposed.

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 19, 2022.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the adoption of New Rules I through III pertaining to child-facing employee certification and supervisory training	))))	NOTICE OF ADOPTION

TO: All Concerned Persons

1. On February 11, 2022, the Department of Public Health and Human Services published MAR Notice No. 37-973 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 209 of the 2022 Montana Administrative Register, Issue Number 3.

2. The department has adopted the above-stated rules as proposed: New Rules I (37.47.308), II (37.47.309), and III (37.47.310).

3. No comments or testimony were received.

4. These rule adoptions are effective April 30, 2022.

/s/ Heidi Sanders
Heidi Sanders
Rule Reviewer

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State April 19, 2022.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government Interim Committee:

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

Water Policy Interim Committee (where the primary concern is the quality or quantity of water):

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions:

Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

Use of the Administrative Rules of Montana (ARM):

Known Subject

1. Consult ARM Topical Index.
   Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2021. This table includes notices in which those rules adopted during the period November 5, 2021, through April 15, 2022, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2021, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2021 or 2022 Montana Administrative Registers.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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2-12-623	Review and Approval Process for Procurement, Development, and Oversight of Information Technology Resources and Software and Management Systems - Granting Exceptions - Utilization of Centralized State Facilities - Introduction - Definitions - Agency Information Technology Plans - Establishing Policies, Standards, Procedures, and Guidelines - Appeal Process as It Applies to Information Technology Plans, Procurements, and Granting Exceptions, p. 430
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2-43-622 Investment Policy Statements for the Defined Contribution Retirement Plan, the Montana Fixed Fund, and the 457(b) Deferred Compensation Plan, p. 267

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2-63-621 Definitions - Places of Sale - Applications and Fees - Commission - Revocation or Suspension of License - Prizes, p. 1441, 1569, 40

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8-94-191 Administration of the Montana Historic Preservation Grant (MHPG) Program, p. 1357, 1768
8-94-194 Deadline for the Second Cycle for the Community Development Block Grant (CDBG)–Community and Public Facilities Projects Application and Guidelines, p. 98, 398
8-94-196 Submission and Review of Applications for Funding Under the Montana Coal Endowment Program (MCEP), p. 314
8-111-192 Definitions - Housing Credit Allocation Procedure, p. 1, 279
8-119-193 Tourism Advisory Council, p. 100, 399

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10-64-283 School Bus Requirements, p. 140
10-66-101 Adult Secondary Education Credits, p. 142, 400

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10-66-102 State Diplomas, p. 451

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-556 Closing the Ennis Fishing Access Site and the Valley Garden Fishing Access Site, p. 45
12-557 Removal of Tiber Reservoir From the List of Identified Bodies of Water Confirmed or Suspected for Aquatic Invasive Mussels, p. 271
12-559 Licensing, p. 325

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12-551 Licensing, p. 1579, 280
12-553 Rest/Rotation and Walk/Wade Rules on the Madison River, p. 1609
12-554 Grizzly Bear Demographic Objective for the Northern Continental Divide Ecosystem, p. 8
12-555 Recreational Use on the Boulder River, p. 12

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17-417 Methamphetamine Cleanup - Definitions - Decontamination Standards - Performance, Assessment, and Inspection - Performance Standards - Contractor Certification and Training Course Requirements - Reciprocity - Training Provider Certification - Certified Training Provider Responsibilities - Denial, Suspension, and Revocation of Certification - Fees - Sampling - Recordkeeping - Reports - Incorporation by Reference, p. 367
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20-25-71 Paroling Decision - Early Parole Consideration - Administrative Reviews and Reappearances - Board Operating Processes - Executive Clemency Functions, p. 193

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(Board of Barbers and Cosmetologists)
24-121-17 Salons - Shops - Mobile Salons or Shops - Schools - Definitions - General Application and License Display Requirements - Variance Requests - General Requirements and Prohibitions - License General Information - Premises, Fixtures, and General Sanitation - Restrooms - Sinks - Sanitizers - Containers - Cabinets - Implements - Instruments - Supplies - Equipment - Sanitizing - Disinfecting - Preparation Storage - Handling - Prohibited Items - Blood Spills - Continuing Education Instructors - Unprofessional Conduct - Inspections - Name Change - Closure - Change of Ownership - Operation Standards - Lighting, p. 826, 1773

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24-174-74 Definitions - Collaborative Practice Agreement Requirements - Transfer of Prescriptions - Drug Distribution and Control in an Institutional or Correctional Facility - Use of Drug Kits in Certain Institutional Facilities - Additions, Deletions, and Rescheduling of Dangerous Drugs - Registered Pharmacist Continuing Education–

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24-177-36 Examinations - Unprofessional Conduct, p. 1263, 1926

(Board of Psychologists)

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EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in March 2022 appear. Potential vacancies from May 1, 2022 through May 31, 2022, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of April 1, 2022.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
9-1-1 Advisory Council			
Ms. Dorothy Gremaux	Governor	Rene Clampitt	3/28/2022
Lewistown			8/31/2025
Qualifications (if required):	Public Safety Answering Point Manager - population <30,000		
Board of Barbers and Cosmetologists			
Ms. Paula Evans	Governor	Reappointed	3/1/2022
Missoula			3/1/2025
Qualifications (if required):	Licensed Cosmetologist		
Ms. Katie Fontana	Governor	Reappointed	3/1/2022
Great Falls			3/1/2024
Qualifications (if required):	Member of the public		
Mrs. Lauren Hansen	Governor	reappointed	3/1/2022
Helena			3/1/2025
Qualifications (if required):	Licensed esthetician		
Mr. Bryan Kirkland	Governor	Reappointed	3/1/2022
Bozeman			3/1/2027
Qualifications (if required):	Barber		

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Board of Barbers and Cosmetologists Cont.			
Mr. Tucker Landerman	Governor	Reappointed	3/1/2022
Kalispell			3/1/2026
Qualifications (if required): Licensed barber			
Ms. Angela Printz	Governor	Reappointed	3/1/2022
Livingston			3/1/2026
Qualifications (if required): Cosmetologist			
Board of Public Education			
Mr. Timothy Tharp	Governor	Mary Heller	3/28/2022
Savage			1/31/2027
Qualifications (if required): District 2 - Republican			
Board of Sanitarians			
Mr. Matt Strozewski	Governor	Tracy Neilsen	3/1/2022
Boulder			7/1/2023
Qualifications (if required): Public			
Interstate Oil and Gas Compact Commission			
Mr. Ben Jones	Governor	Tom Richmond	3/23/2022
Billings			1/5/2025
Qualifications (if required): Assistant Representative			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Montana Arts Council			
Mr. Troy Collins Hamilton	Governor	Renee Westlake	3/28/2022 2/1/2028
Qualifications (if required):	keen interest in one or more of the arts		
Ms. Julie McAlister Whitefish	Governor	Tracy Linder	3/28/2022 2/1/2028
Qualifications (if required):	keen interest in one or more of the arts		
Mr. John Moore Miles City	Governor	Elizabeth Albers	3/28/2022 2/1/2028
Qualifications (if required):	keen interest in one or more of the arts		
Mr. Greg Murphy Billings	Governor	Cynthia Andrus	3/28/2022 2/1/2028
Qualifications (if required):	keen interest in one or more of the arts		
Mr. Bridger Pierce Missoula	Governor	JP Gabriel	3/28/2022 2/1/2028
Qualifications (if required):	keen interest in one or more of the arts		

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Montana Historical Society Board of Trustees			
Ms. Candi Zion	Governor	Jestin Dupree	3/28/2022
Winifred			7/1/2024
Qualifications (if required): Public Member			
Public Safety Advisory Council			
Lee Sullivan	Governor	Amy Beick	3/28/2022
Butte			6/30/2023
Qualifications (if required): Fire Protection Community Representative			
State Library Commission			
Ms. Tammy Hall	Governor	Bruce Newell	3/28/2022
Bozeman			6/1/2022
Qualifications (if required):			
State Workforce Innovation Board			
Commissioner Mary Armstrong	Governor	Maureen Wicks	3/1/2022
Glasgow			6/30/2024
Qualifications (if required): City Commissioner			
Mr. Dean Bentley	Governor	Reappointed	3/1/2022
Butte			6/24/2024
Qualifications (if required): Business Representative			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
State Workforce Innovation Board Cont.			
Mr. Bo Bruinsma Billings Qualifications (if required): Workforce Representative	Governor	New	3/1/2022 6/30/2024
Mr. Paddy Fleming Bozeman Qualifications (if required): Business Representative	Governor	New	3/1/2022 6/30/2024
Mr. Adam Gilbertson Laurel Qualifications (if required): Business Representative	Governor	New	3/1/2022 6/30/2024
Mr. Paul Hopfauf Glendive Qualifications (if required): Business Representative	Governor	Reappointed	3/1/2022 6/30/2024
Ms. Heather O'Hara Helena Qualifications (if required): Business Representative	Governor	Reappointed	3/1/2022 6/30/2024
Mr. Scott Osterman Helena Qualifications (if required): Business Representative	Governor	New	3/1/2022 6/30/2024

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
State Workforce Innovation Board Cont.			
Mr. Jason Palin	Governor	New	3/1/2022
Big Timber			6/30/2024
Qualifications (if required):	Business Representative		
Mr. Quinton Queer	Governor	New	3/1/2022
Butte			6/30/2024
Qualifications (if required):	Workforce Representative		
Mr. David Smith	Governor	New	3/1/2022
Helena			6/30/2024
Qualifications (if required):	Business Representative		
Ms. Sarah Swanson	Governor	New	3/1/2022
Helena			6/30/2024
Qualifications (if required):	Department of Labor and Industry Representative		
Mr. Jim Wonnacott	Governor	New	3/1/2022
Butte			6/30/2024
Qualifications (if required):	Workforce Representative		

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Youth Justice Council			
Mr. Qasim Abdul-Baki	Governor	Reappointed	3/28/2022
Helena			3/1/2024
Qualifications (if required):	Justice involved youth representative		
Ms. Georgia J. Cady	Governor	Reappointed	3/28/2022
Columbus			3/1/2024
Qualifications (if required):	Nonprofit, victim, and witness advocacy representative		
Mr. Michael Chavers	Governor	Reappointed	3/28/2022
Billings			3/1/2024
Qualifications (if required):	Nonprofits and alternatives to incarceration representative		
Dr. Tamara Greeling	Governor	Reappointed	3/28/2022
Billings			3/1/2024
Qualifications (if required):	Justice involved youth representative		
Judge Mary Jane Knisely	Governor	Reappointed	3/28/2022
Billings			3/1/2024
Qualifications (if required):	Law enforcement and juvenile justice agencies, including juvenile and family court judges		
Ms. Rhonda Lindquist	Governor	New	3/28/2022
Helena			3/1/2024
Qualifications (if required):	Board of Crime Control member		

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Youth Justice Council Cont.			
Mrs. Holly Mook Clancy Qualifications (if required): Volunteer Representative	Governor	Reappointed	3/28/2022 3/1/2024
Mr. Isaac Nehring Helena Qualifications (if required): Justice involved youth representative	Governor	Reappointed	3/28/2022 3/1/2024
Dr. Emily Sallee Frenchtown Qualifications (if required): Licensed mental health and substance use provider	Governor	Reappointed	3/28/2022 3/1/2024
Mr. Randy Shipman Dillon Qualifications (if required): Public agency concerned with delinquency prevention	Governor	Reappointed	3/28/2022 12/30/1899
Ms. Brie Shulman Missoula Qualifications (if required): Alternatives to incarceration representative	Governor	Reappointed	3/28/2022 3/1/2024
Ms. Geri Small Lame Deer Qualifications (if required): Tribal Representative	Governor	Reappointed	3/28/2022 3/1/2024

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Youth Justice Council Cont.			
Mrs. Patricia Steinwand	Governor	Reappointed	3/28/2022
Helena			3/1/2024
Qualifications (if required): Parent of justice involved youth			
Ms. RaeGyn Trombley	Governor	Reappointed	3/28/2022
Great Falls			3/1/2024
Qualifications (if required): Justice involved youth representative			

EXECUTIVE BRANCH VACANCIES – MAY 1, 2022 THROUGH MAY 31, 2022

Board/Current Position Holder	Appointed By	Term End
Board of Hail Insurance		
Mr. James Schillinger, Circle	Governor	5/1/2022
Qualifications (if required): Member		
Board of Massage Therapy		
Ms. Sonia Davis, Billings	Governor	5/1/2022
Qualifications (if required): Massage Therapist		
Mrs. Anne Gergen, Broadus	Governor	5/1/2022
Qualifications (if required): Massage Therapist		
Board of Outfitters		
Mr. Robert Arnaud, Bozeman	Governor	5/31/2022
Qualifications (if required): Outfitter licensed for hunting and fishing with knowledge of government permitting		
Mr. Matthew Greenmore, Twin Bridges	Governor	5/31/2022
Qualifications (if required): Outfitter licensed only as a fishing outfitter		
Board of Plumbers		
Mr. Quinton Queer, Butte	Governor	5/1/2022
Qualifications (if required): Master plumber		
Mr. Timothy Schrapps Sr., Butte	Governor	5/1/2022
Qualifications (if required): Journeyman plumber		

EXECUTIVE BRANCH VACANCIES – MAY 1, 2022 THROUGH MAY 31, 2022

Board/Current Position Holder	Appointed By	Term End
Board of Plumbers Cont.		
Mr. Brandon Shaw, Butte	Governor	5/1/2022
Qualifications (if required): Journeyman Plumber		
Board of Real Estate Appraisers		
Mr. Peter Fontana, Great Falls	Governor	5/1/2022
Qualifications (if required): Licensed or certified real estate appraiser		
Mr. Myles Wilson Link, Missoula	Governor	5/1/2022
Qualifications (if required): Representative of public who is not engaged in the occupation of real estate		
Mr. George E. Luther Jr., Miles City	Governor	5/1/2022
Qualifications (if required): Licensed or certified real estate appraiser		
Montana Heritage Preservation and Development Commission		
Ms. Marilyn Ross, Twin Bridges	Governor	5/1/2022
Qualifications (if required): Experience in historic preservation		
Ms. Virginia Court, Billings	Governor	5/1/2022
Qualifications (if required): Public At-Large		
Mr. Philip Maechling, Florence	Governor	5/1/2022
Qualifications (if required): Experience in community planning		
Ms. Sheralee Marie Choquette Konen, Butte	Governor	5/1/2022
Qualifications (if required): Broad experience in business		

EXECUTIVE BRANCH VACANCIES – MAY 1, 2022 THROUGH MAY 31, 2022

Board/Current Position Holder	Appointed By	Term End
Small Business Compliance Assistance Advisory Council		
Ms. Diana Hammer, Helena	Governor	5/1/2022
Qualifications (if required): Member who is not an owner		
Dr. Robin Kumar Saha, Missoula	Governor	5/1/2022
Qualifications (if required): Member who is not an owner		
Statewide Interoperability Communications Advisory Council		
Sheriff Leo Dutton, Helena	Governor	5/1/2022
Qualifications (if required): Representative of Law Enforcement		
Mrs. Kimberly Burdick, Fort Benton	Governor	5/1/2022
Qualifications (if required): Representative of Public Safety Answering Point		
Mr. Andy Hanks, Helena	Governor	5/1/2022
Qualifications (if required): Representative of Cybersecurity		
Mr. Burke Honzel, Fort Harrison	Governor	5/1/2022
Qualifications (if required): Representative of Broadband		
Mr. Quinn Ness, Helena	Governor	5/1/2022
Qualifications (if required): Representative of Cybersecurity		
Mr. Mike Feldman, Helena	Governor	5/1/2022
Qualifications (if required): Representative of Land Mobile Radio		

EXECUTIVE BRANCH VACANCIES – MAY 1, 2022 THROUGH MAY 31, 2022

Board/Current Position Holder	Appointed By	Term End
Statewide Interoperability Communications Advisory Council Cont.		
Mr. Tom Frieders, Billings	Governor	5/1/2022
Qualifications (if required): Representative of Alerts, Warnings, and Notifications		
Ms. Shari Graham, Helena	Governor	5/1/2022
Qualifications (if required): Representative of Emergency Medical Services		
Mr. Ken Wood, Helena	Governor	5/1/2022
Qualifications (if required): Representative of Fire Service		
Mr. Mike Chambers, Helena	Governor	5/1/2022
Qualifications (if required): Representative of Fire Services		

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